

# LAW ENFORCEMENT NEWS

Vol. VIII, No. 18

ISSN 0364-1724

October 25, 1982

*Flirting with disaster...*

## Clamor over high-speed police pursuit intensifies

In Bethel, Conn., last month, four teenagers were killed and two others were injured when their pickup truck crashed as they were being chased by local police. The 16-year-old driver had sped off when police tried to stop him for a minor traffic warning.

In Detroit, a tow-truck driver suspected of burglary led more than 50 police cars from Detroit and five suburbs on a 70-mile chase, ramming several cars with his truck when they tried to block him. The engine of one car exploded during the chase.

In New Rochelle, N.Y., a police officer pursuing two robbery suspects was killed when his car skidded into a disabled vehicle. His partner was seriously injured.

For most police officers, pursuit driving is an infrequent but necessary fact of life. Most are trained in high-speed driving and are given departmental guidelines to help them make the right decisions when a suspect speeds away.

But sometimes the training and guidelines can't prevent property damage, injury or, at worst, the death of an officer, suspect or bystander. The accidents in Connecticut, Michigan and New York, each of which happened in September, and others like them force police to re-examine their pursuit-driving policies

regularly and often bring cries of outrage from the public for laws restricting the police officer's right to give chase.

For most officers, the debate comes down to one point: No one but the officer behind the wheel can make the proper decision about a chase. They say each chase involves hundreds of subjective, split-second decisions that no policy or law can cover.

"It's up to the officer," said Capt. Arliss Booth of the Iowa State Patrol. "It's very difficult to come up with a policy that's right for every situation."

But many citizens argue that chases should be eliminated. In Connecticut, outrage over the deaths of the four teenagers has brought calls for several types of legislation, according to Mae Schmidle, who represents the Bethel area in the state legislature.

"I've been contacted by hundreds of people," Schmidle said. "A great many people feel that giving chase motivates these kids to go faster. They (the chases) tend to kill more people than they save."

Schmidle said she is considering introducing legislation that would limit high-speed chases in Connecticut, in addition to laws that would limit the hours young drivers could be on the road and that would cause them to lose their

Continued on Page 12

## Pursuit-driving complicated by smaller, slower patrol cars

A state trooper is patrolling a long, open stretch of highway when suddenly, out of nowhere, a car traveling in the opposite direction speeds by and disappears over a small hill.

The officer slows, crosses the median and takes off in pursuit of the speeding car. But he has lost valuable seconds while turning around and the distance between the patrol car and the speeder widens as the patrol car works to regain speed and overtake the offender.

Moments like those — minutes lost as police cars begin to give chase — have grown longer in recent years, stretching the length of most chases and the chance for injury to officers and bystanders.

Police officials say they have been forced to purchase smaller and slower cars because car manufacturers striving to meet Federal requirements concerning auto emissions and gas mileage have reduced the size and power of the cars they produce.

The problem is heightened, they

say, because many motorists drive older, more powerful cars that were manufactured before the emissions and mileage standards went into effect.

"From 1977 or '78 through '82, we have noticed a decrease in acceleration in the cars we've tested," said David Storer of the Michigan State Police testing unit, which does comparison testing of all models of police cars.

"The manufacturers have lost the power in the street, the down-the-road acceleration," he said.

"We just weren't able to keep up and more," echoed Gardner Curtright, a public affairs officer for the California Highway Patrol. "We found too many times we just didn't have enough power."

The problem with slower patrol cars began shortly after the 1974 energy crisis, when American consumers began turning to cars that burned less gasoline. The major auto makers began making fewer big

Continued on Page 12

## What They Are Saying:

"We were too busy to decide whether there was anything we could do about the problem of being too busy."

Supreme Court Justice John Paul Stevens, commenting on the Court's failure to address a growing backlog of cases. (Page 5:2)



A New York City police car negotiates the high-speed driving course at Floyd Bennett Field in Brooklyn.

## Washington FOP renews call for body armor after 2 cops are shot

Washington, D.C., police officer Donald G. Luning was killed last month when a man wanted in connection with a stolen car shot him once in the chest during a struggle.

A few days later, D.C. officer Pauline V. Howard was shot once in the abdomen after a robbery suspect she had approached suddenly pulled a gun and fired.

The shootings have prompted the Fraternal Order of Police in the nation's capital to demand that the department issue bulletproof vests to all officers, a move that D.C. unions had long requested.

"There is a documented threat to police officers' lives by handguns," said Gary Hankins, head of the FOP labor committee. "We know that this ammunition would be stopped by this soft body ar-

mor."

Early response to the union's demand has been good, Hankins said. The police department has selected the style of lightweight body armor it will issue and has set aside enough money to buy 160 of the vests.

Hankins is now negotiating with the city administration to provide enough money for vests for the remainder of the 3,400 officers in the department, or about \$500,000. He said city officials have been receptive to the idea, but that he will turn to private donations if necessary.

"Whether it is through the city or private donations, I believe we'll have the vests by spring," Hankins said. "There is no question that any modern police department needs body armor, and I think both the city administration and

Continued on Page 5

# ...NewsBriefs...NewsBriefs...NewsBriefs...

## New Orleans notes gains in number of resident officers

Efforts to tighten enforcement of a 1973 New Orleans ordinance that requires all employees to live in the city are beginning to pay off, according to a study of city records completed recently by the New Orleans Times-Picayune.

The records show that all 55 police recruits now in training live in New Orleans and less than 12 percent of police officers holding Rank 1 live outside the city. In the department's higher ranks, where most officers are exempt from the ordinance because they were hired before it was passed, more than half are not residents of New Orleans.

The crackdown began in 1981, when Chief Administrative Officer Reynard J. Rochon issued a directive reminding officers of the residency requirement. Rochon said, "An inequitable situation exists when the limited resources of one municipality are used to compensate an individual who resides in and pays ap-

propriate taxes to another municipality."

The New Orleans residency rule mandates that city residents be given preferences in employment and that anyone hired by the city who lives outside the city limits must move into New Orleans after being hired.

Rochon said the city does not require everyone taking Civil Service examinations to live in the city, and often waives the residency requirement to increase the number of applicants for a particular examination. He said that those hired under such a waiver must eventually move into the city.

## Hartford deputy chiefs decide to fight rather than switch

Three Hartford, Conn., deputy police chiefs have appealed their assignments to an around-the-clock rotation plan implemented by Chief Bernard Sullivan last month.

An attorney for the deputy chiefs called the plan that moved the three from departmental supervision positions during the day to shift commands on the evening and midnight shifts "demotions." The deputy chiefs have asked the city's Personnel Review Board to examine their reassignments.

Sullivan enacted the changes on September 19, saying he wanted to have ranking officers available to oversee each shift. The moves were part of a reorganization plan that also created a new Support Services Bureau, disbanded the Management Services Bureau and the Operation Support and Technical Services Bureau and transferred several captains.

The three deputy chiefs who have appealed the change — Donald Higgins, Biagio Rucci and Stephen Hankard — were to oversee communications, traffic and patrol on the late shifts. A fourth deputy chief, Ronald Loranger, heads the new Support Services Bureau and works days.

The chiefs are fighting the reorganization a second time. City Manager Woodrow Wilson Gaitor first proposed the plan during the tenure of former chief George Sicaras, when both Sicaras and the chiefs fought the plan. Gaitor later requested Sicaras' resignation and Sicaras retired.

## American TV seen distorting Canadian perceptions of crime

Canadian citizens mistakenly believe that their cities are crime-ridden, according to a recent study commissioned by Canada's Ministry of Justice.

The study showed that Canadians overestimate the extent of violent crime in their country, believe the number of murders has increased during the past six years, even though it has not, and think the Canadian crime rate is much closer to that of the United States than it actually is.

The researchers attributed the misconceptions to two factors, both of them related to the mass media.

One reason Canadians overestimate crime, the study said, is that they watch television broadcasts from the United States and Canadian broadcasts without differentiating between the two. As a consequence, they are likely to absorb their neighbors' worries about crime without questioning whether the statistics back them up.

Another factor involves the tendency of the Canadian news media to occasionally "sensationalize" unusual cases,

making it appear that there are more serious crimes than in fact exist, according to the study.

Those factors create a fear of crime that is greatly exaggerated, the study said. For instance, about eight out of 100 crimes in Canada are violent, but most of those interviewed estimated that anywhere between 30 and 100 of every 100 crimes is violent.

Although the Canadian crime rate is one-fifth that of the United States, only a third of those questioned in the survey believed it was that low. Nearly one out of three believe the crime rate was as high as, or higher than the United States rate.

The researchers said the misconception presents two problems for Canadians. One is that they probably adjust their behavior to conform with their belief that crime is a problem, perhaps refusing to go out at night or visit certain areas. Another is that they may make demands on politicians for stricter punishment of criminals that they might not request if they realized the true crime rate.

## Senate approves stiffer sentencing in serious crimes

The Senate recently passed two anti-crime bills that would stiffen penalties for those convicted of committing Federal crimes and certain state crimes while armed.

The first, written in part by Sen. Joseph Biden of Delaware, would provide fixed sentencing for some Federal crimes. It would provide for almost no parole in those cases and make bail before trial more difficult for dangerous criminals.

Under the bill's provisions, those convicted for the first time of committing a Federal crime with a firearm would receive an additional sentence of 2 to 10 years. For a second offense, the mandatory sentence would be 5 to 25 years.

The bill would prohibit parole for criminals convicted under its guidelines and would not permit judges to suspend the

sentence or make it concurrent with other prison terms.

The legislation also would establish a seven-member commission to draw up guidelines for sentencing, an effort to end inconsistent sentencing, according to Biden. The commission would be subject to Congressional review, but could require any court that violated its guidelines to explain its reasons.

The mandatory sentencing bill probably won't be considered by the House during the special session of Congress next month, but it is expected to be re-introduced in the next session.

The second bill, introduced by Sen. Arlen Specter of Pennsylvania, would allow the prosecution as a career criminal of any offender convicted by state courts three times of robbery or burglary while armed.

It provides a mandatory sentence of 15 years to life in addition to the state sentence.

Rep. William J. Hughes, chairman of the House subcommittee on crime, has said he will push that bill in the House during the special session in November.

## The Lord taketh away in attempted burglary of church

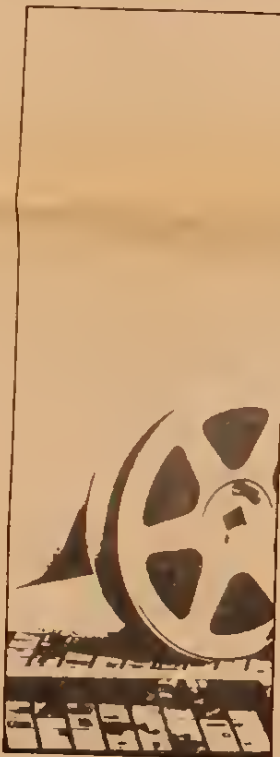
When two suspects broke into the Advent Lutheran Church in Greenwood, Ind., recently, they probably knew they were breaking one of the Ten Commandments. But they probably didn't expect the Lord himself to arrest them.

Greenwood Patrolman Herbert A. Lord was patrolling the church's parking lot when he noticed that a window had been pried out. He radioed for assistance and officers found two brothers hiding in bushes outside the church, having escaped through a window.

The two men were arrested and may be linked to a series of church burglaries, police say.

Lord's supervisor said later, "You could say, the Lord was overseeing the church."

This Publication is available in Microform.



University Microfilms International

Please send additional information for \_\_\_\_\_

Name \_\_\_\_\_

Institution \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

300 North Zeeb Road  
Dept. P.R.  
Ann Arbor, Mi. 48106

## LAW ENFORCEMENT NEWS

Law Enforcement News is published twice monthly (once monthly during July and August) by L.E.N. Inc. in cooperation with the Criminal Justice Center of John Jay College of Criminal Justice, 444 West 56th Street, New York, NY 10019. Subscription rates: \$14.00 per year (22 issues). Advertising rates available upon request. Telephone: (212) 489-3592, 3516.

Editor ..... Peter Dodcnhoff  
Operations Manager ..... Marie Rosen

Operations: Evelyn Otero (production), Gerard Paulino (subscriptions), Linda Sanders (editorial).

Publisher ..... Richard H. Ward

Contributing Writers: Ordway P. Burden, Robert McCormack, Avery Eli Okin.

Correspondents: John Angell (Alaska); Tom Gitchoff, Ivar Paur, George Felkenes (California); Phillip Maimone (Colorado); Jack Dowling (Delaware); Claire Villarreal (District of Columbia); Dennis Keefe, Martin Murphy, Anthony N. Potter Jr., Darrel Stephens (Florida); John Granfield (Georgia); Matt Casey, Thomas Eynon, Alan O. Hracek, Brian Nagle, Charles Roberts (Illinois); Larry McCart (Indiana); Galen Janekela (Kansas); Daniel P. Keller, William S. Carcara (Kentucky); Joseph Bouce Jr. (Maryland); Anne Adams, James Lane, George Sherill (Massachusetts); Kenneth Griffin (Michigan); Kenneth Fairly (Mississippi); Eugene P. Schwartz, Robert Shockey. (Missouri); Kenneth Bovasso (Nebraska); Dorothy Guyot (New Jersey); Anne F. D'Amico, Alan P. Kaplan, Philip Monti, Mildred Schachinger, Tom Ward (New York); Gary Willis (North Carolina); Steven Rice, Martin Schwartz, Charles Walker (Ohio); William Parker (Oklahoma); Ron Willis (Oregon); Zebulon Casey, Robert Kotzbauer, Tom Landers (Pennsylvania); Glenford Shibley (Rhode Island); William J. Mathias, Larry McMicking, David L. Rathbone (South Carolina); Michael Braswell (Tennessee); Joe Schott (Texas); L. Del Mortensen (Utah); Tom Spratt (Virginia); Larry Fehr (Washington); Dan King (Wisconsin).

*The calm instead of the storm:*

## LAPD offers practical training in handling crises

The hints psychologist Nels Klyver offers Los Angeles Police Department recruits sound almost too simple:

¶ Make it difficult for an angry citizen to attack you by seating him in a soft, cushy chair.

¶ Ask victims of crimes simple questions such as "Can we sit down?" to help them regain a sense of control over their lives.

¶ Don't warn possible suspects that the police are at the door by giving the standard sharp, three-rap knock.

But Klyver, who directs a year-old program designed to teach LAPD officers techniques to handle conflicts and work with victims, says the hints work together to form a systematic approach to crisis intervention.

"We see it as an organized game plan," Klyver said. "One of the things behavioral science can aid officers with is a strategic approach to handling crises."

The program Klyver heads involves three days of instruction in crisis intervention for all recruits. Klyver and other staff members divide each class into small groups and set up mock crises for them to deal with, offering tips and insights into how different approaches can either fuel or defuse explosive situations.

The recruits practice helping rape victims, intervening in domestic quarrels, and notifying family members of deaths.

"This conjures up images of quasi-social workers to many officers," Klyver said. "We don't advocate that at all. All we want to do is help the police officer in a

very efficient manner to do the job they're taught to do."

The program began with a Federal grant from the Law Enforcement Assistance Administration to train the people who would later train the recruits.

After a pilot study that ran from March through November of last year proved successful, the department began training recruits, and more than 400 recruits have been through the program so far. The department hopes to expand the program to in-service training soon, Klyver said.

Klyver said the program is good for the department because it teaches techniques to more successfully resolve conflicts without taking up any more of the officers' time.

It also increases the opportunity for a positive outcome of the officer's intervention, cuts down on return calls and gives officers a better sense of security in handling crisis situations, Klyver said.

The psychologist said surveys of citizens who have dealt with police during crises show that officers who have received the training are given higher ratings on efficiency, helpfulness and attitude than those who haven't been through the program.

The program operates with a philosophy slightly different from that used by many officers in handling crises. Klyver said the program teaches recruits

that the victims of crime suffer the same reactions regardless of the crime, but that the victims of more serious crimes have more intense reactions.

He encourages officers to acknowledge all emotions victims express, rather than urging them to be composed. He stresses that officers should verify victims' well-being even if they appear to be unhurt, so that the victims understand that the officer is concerned.

In handling crises such as domestic quarrels, Klyver recommends several techniques for "cooling off" those involved. For example, a simple request such as "May I borrow a pen?" can divert one party's thoughts for a few minutes and allow each a moment to think, he said.

Another difference in the method Klyver teaches is that he advocates reuniting those involved after they've calmed down. He said that having the people fighting tell a third party their sides of the story may force them to listen to each other, perhaps for the first time.

He warns, however, that this method shouldn't be used if the officer suspects that one of those involved may have attacked or abused the other, since the victim might not reveal the attack in the other's presence.

It's another of the hints that sound almost too simple.

## Houston City Council urges hike in minimum age for cops

A Houston City Council committee set up to review the police department's recruiting and training practices recently handed Chief Lee P. Brown a list of recommendations that range from raising the minimum age of police cadets to increasing efforts to recruit minorities.

The committee, which was established to look into charges that the department's recruiting, training and promotions discriminated against minority officers, made the recommendations after a year of study.

Brown, who is now considering the proposals, is not compelled to adopt the recommendations, but several city council members indicated that they expect some of the most strongly recommended changes to be carried out.

The most controversial proposal made by the committee, and approved by the full council, is that police cadets be no younger than 21 years old. The academy now accepts recruits 19 years old.

The recommendation allows for one exception to the 21-year limit, however. Recruits who join the community service officer program at 19 would be allowed to join the force after a year of service, or at age 20. The community service officers

are not certified or armed, but are employed to assist officers while preparing to become officers.

Recruiting Lieut. Larry Kendrick said the age-limit recommendation is acceptable to him as long as it allows the community service exemption. The exemption would allow recruiters to continue to pull from high schools, with the incentive that working in the community service program permits applicants to join the force earlier, he said.

Kendrick said the Houston department has little trouble finding applicants for its openings, with 1,850 people applying for the 70 positions in the current class, so limiting the field of possible candidates won't present a serious problem.

Another recommendation — that recruiters placed renewed emphasis on finding minority applicants — is one the department already follows, Kendrick said. Officers recruit in minority schools and colleges in the area and the department launched a major national campaign aimed at minorities two years ago, he said.

He said 34 percent of the current cadets are from minority groups, as opposed to 21 percent in the past.

Continued on Page 5

## Exodus of veteran cops slows as Atlanta Police effects changes

Between 1979 and 1981, more than 600 officers left the Atlanta Police Bureau. More than half of those were experienced officers who quit for other employment, enticed by better working hours, higher pay or the chance for promotion.

But in the first eight months of 1982, the percentage of officers who left for other jobs dropped to 21.1 percent. While tougher economic conditions probably have helped to discourage veteran police officers from leaving their jobs, at least part of that drop can be attributed to the bureau's recent efforts to encourage those officers to stay.

Beverly Harvard, the bureau's deputy chief of career development, said the bureau began efforts to retain its officers because the loss of experienced officers is serious.

"We have a very young police force on the street," she said. "I don't think that presents a danger to the citizens, because we haven't had any cases of officers over-reacting because they're young and inexperienced, but it can hurt us in case preparation."

"You get better with experience. We might be losing more cases in court because of inadequate preparation."

Another problem resulting from the loss of officers is the expense of training new officers to replace them. Harvard said the bureau spends \$9,000 per recruit for the 12-week training course.

So during the past year, the Atlanta bureau has taken two major steps toward keeping veteran officers, Harvard said.

The first step was made possible by the resolution of two six-year-old lawsuits that had frozen hiring and promotions by the department while the court heard claims of racial discrimination. After the cases were resolved, the department promoted more than 100 officers to the ranks of sergeant through captain — helping to end the frustration officers felt over

working several years without the chance of being promoted, Harvard said.

A second step aimed at rewarding veteran officers was the revision of the selection process for investigators, Harvard said. The new procedure allows any officers with at least three years' experience to submit resumes in application for investigators' positions. In the past, investigators were chosen from a pool of those recommended by their supervisors.

Harvard said those moves will be backed up with pay incentives if next year's operating budget is approved as requested. The bureau has asked for \$59,000 for longevity pay and \$471,000 for shift-differential pay.

"Ideally, most people want to work Monday through Friday, nine to five," Harvard said. "Because we are, naturally, a 24-hour operation, we need to recognize that some shifts are not the ideal working conditions."

Harvard said other steps being considered include developing a more comprehensive performance evaluation system to standardize officers' assignments and days off, improving the discipline procedure to resolve charges more quickly and creating more ranks.

### ERRATA

The story in the September 13 issue about Robert di Grazia, former police chief in Montgomery County, Md., incorrectly identified one of di Grazia's assistants. The aide who provided di Grazia with a copy of a report on corruption when he was police commissioner in Boston was James Hayes, head of the Special Investigative Unit at the time, not Gary Hayes, di Grazia's former special assistant.

## Neither rain, nor flood. . .



Undaunted by flood waters that left Highway 395 in California looking more like Niagara Falls, a California Highway Patrolman proceeds gingerly along the single lane that was open after heavy rains ravaged the area around Big Pine, Calif.

# People & Places

## Miss. sheriff dies a hero in hostage drama

A Mississippi sheriff who convinced a gunman to release four hostages was killed moments after he exchanged places with them during tense negotiations.

Franklin County Sheriff James Posey, 37, was shot in the chest on September 29 as he sat with the gunman in a police car at a roadblock, trying to persuade the man to surrender.

The gunman, who police said was desperate to leave the country to avoid prosecution for an earlier killing, was killed by officers at the scene who opened fire when Sheriff Posey fell from the car. He was identified as Derald Coghlan, 25, who was awaiting trial on a man-

slaughter charge.

Coghlan apparently had taken a woman and three children hostage because he thought they had money to help him escape. He forced them into the woman's car and ordered her to drive, but they were stopped at a roadblock on a rural road in a nearby county.

Posey talked with Coghlan as he sat with the hostages, offering him a cigarette and later persuading Coghlan to leave the woman's car and walk with him to an empty police car nearby. Just after the woman and children ran to safety, Coghlan shot the sheriff.

Mayor V.L. Saxon of Meadville, Miss., a friend of Posey, said later, "He would have done anything to save a man's life."

## Chicago PD honors its top hero cop

Patrol Specialist Robert Mantia a 14-year veteran of the Chicago Police Department, received the Lambert Tree Award, the department's highest commendation for bravery, at a special ceremony on October 5.

Mantia was honored for his work in capturing a suspect who had just fatally wounded Mantia's partner. Mantia and officer James Doyle were arresting a man suspected of robbery on a city bus when the suspect suddenly drew a gun and shot Doyle.

The suspect then fired at Mantia, ran from the bus, took a kneeling position and again fired. Mantia returned fire, wounded the suspect and arrested him.

The Lambert Tree Award and the

Carter Harrison Award are awarded alternately between police officers and firefighters who perform exceptional acts of heroism during the year, according to the Chicago Police Department's news director.

## PERF adds 12

Twelve law enforcement executives have joined the Police Executive Research Forum recently, representing a scattering of police and sheriffs' departments around the country.

In announcing the addition of the new members, the president of PERF, Sheriff John Duffy of San Diego, said, "The Police Executive Research Forum is an organization committed to the free exchange of ideas and open debate on key law enforcement issues. The vast experience and wide-ranging backgrounds of the new members will further this important process of interchange."

He added that the new members "have shown their willingness to question traditional assumptions and test new ideas within their departments."

"We welcome their participation in the Forum's efforts to further the professionalism of American policing."

The new members are Chief Michael Armiento of New Rochelle, N.Y.; Commissioner Edward P. Edwardson of Warren, Mich.; Sheriff Brad Gates of Orange County, Calif.; Chief Reuben Greenberg of Charleston, S.C.; Chief William Koleszar of Orlando, Fla.; Chief Schuyler M. Meyer III of Pompano Beach, Fla.; Commissioner William D. Miller of Des Moines, Iowa; Chief Luke Powell of Winston-Salem, N.C.; Chief Billy Prince of Dallas; Chief Howard Rogers of Springfield, Ill.; Chief Peter Ronstadt of Tucson, and Chief Robert L. Smith of Tampa, Fla.

## CETA-trained



Minneapolis Star and Tribune

With the help of Federal funds provided under the Comprehensive Employment and Training Act, Linda Lussier (left) and Lupe Herrera last month became the 18th and 19th female officers in the 682-member Minneapolis Police Department. Both women had been among officer candidates who were eliminated when they couldn't pass some of the examinations or skills tests. They worked on their own to retake and pass the tests, and were approved by Police Chief Anthony Bouza.

# LEA TECHNICAL SECURITY SPECIALISTS



### AUDIO COUNTERMEASURES

Protect against invasion of privacy. Detect and override illegal wiretapping and bugging. Tape recorder detection, surveillance spectrum receivers, telephone analyzers and more.

### VOICE STRESS

Merk II Voice Analyzer. 2001 Stress Decoder. Advanced capabilities. Full training. Featuring exclusive conversation mode. Field proven. Don't be fooled by substitutes.



### COMMUNICATIONS/SOUND

Longplay and miniature recorders, dial number printers, walkie-talkies, direction finding gear, wireless earphones. LEA is in step with your requirements and today's technology.

### COMMUNICATIONS SECURITY

Low, medium, and high-level scramblers. For telephone, radio or data. And now LEA introduces the Cypher Pad, an inexpensive ultra-high level encryption device. Communicate with confidence.



### OPTICAL SYSTEMS

Night vision devices, remote observation by wireless, special lenses, ultra-miniature video camera, surveillance scope. Seeing is believing.

### EMERGENCY/SAFETY

Warning lights, flashers, sirens, flashlights, first aid, radiation detectors, lightbars, distress flares. Exclusive photo-luminescent paint glows in dark.



### SPECIAL SERVICES

Voice stress training, school security analysis and consulting, full expert services, design and furnish special technical security devices. Responsible. Confidential.

### BOMB CONTROL

Letter bomb detectors, bomb blankets, pouches, bomb suits, snifters. Useful, new letter bomb visualizer spray. To safely confirm the contents of suspect envelopes.



### CONTRABAND DETECTION

Explosive detectors, metal detectors, x-ray for luggage and parcels, buried object locators, personnel scanners. Protect passengers, courtyards, and VIP's.

### CRIMINALISTICS

Evidence collection, invisible entrapment kits, fingerprint kits, narcotics testers, photo-fit. Extensive line of electronic and chemical investigative aids.



### PERSONAL PROTECTION

Offering a full range of body armor, less-than-lethal defense items, anti-ballistic materials, intruder flare, power mile. Your life may be jeopardized. Be prepared.

### CROWD CONTROL

Shock batons, helmets, riot shields, protective masks, less-than-lethal defense and dispersement aids. Self-contained, quick to deploy roadblock system.



### SECURITY

Vehicle alarms, tracking systems, special perimeter and access controls, remote-control intrusion alarm, wireless alarms. Consulting.

### MISCELLANEOUS

Police supplies, lock supplies, paper shredders, security books, courier cases, safety fuel tanks, hard to find items. Unlimited.



☐ Rush me \_\_\_\_\_ copies of the ALL NEW LEA Products Catalog. Enclosed is my ten dollars per copy which will be applied toward any future purchase.

☐ In addition, please send me \_\_\_\_\_ copies of the Science of Electronic Surveillance, at the special price of \$15 per copy. Revealing state-of-the-art report! 175 pages.

COPYRIGHT 1979 ALL RIGHTS RESERVED

NAME \_\_\_\_\_  
COMPANY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_  
PHONE \_\_\_\_\_

MAJOR CREDIT CARDS ACCEPTED  
**LAW ENFORCEMENT ASSOCIATES, INC.**

88 HOLMES STREET, BELLEVILLE, NEW JERSEY 07109 U.S.A.  
PHONE 201 751-0001 • TLX 642073 LEA BLVL • CABLE LEA

# SUPREME COURT BRIEFS

By AVERY ELI OKIN



On October 4, the first Monday of October, the Supreme Court Justices filed into the courtroom, took their seats on the raised bench and ushered in the new term. As they sat on the bench for what

would be the first oral argument session of the new term, the Justices were aware that the Court was on the verge of a backlog crisis. The potential for a backlog crisis at the Court is the result of the fact that during an average year the Justices are able to grant full plenary review and render signed decisions in approximately 150 cases. Working at that pace, the Court has had to hold cases over from one term to another. Between the 1980 and the 1981 terms the Supreme Court only had to hold over 77 cases. At the end of the 1981 term, 102 cases were held over for 1982. This last term produced an unprecedented amount of holdover cases, 126. As a consequence, the oral argument calendar for the 1982-83 term is completely filled with old cases, certainly through February of 1983 and probably into March.

From the point of view of those who practice before the Supreme Court, the nearly full docket may result in cases taking as long as a year and a half to be decided. If the Court fills up the few remaining oral-argument slots with cases appearing on the summer list, cases granted certiorari in November or December of this year would not be scheduled for oral argument any sooner than October or November of 1983, with decisions to be handed down in the spring of 1984.

The likelihood of such a backlog

developing seems even greater when one considers the sheer volume of the summer list, which is composed of those cases for which a petition for certiorari has been filed during the Court's recess. This year, the Court received 1,011 petitions between the July 4th weekend and the third week of September.

To deal with these requests, the Justices held daylong meetings for five days in the week preceding the opening of the new term. A few years ago, when the summer list was nowhere near 1,000 cases, one Justice commented, after spending the five days reviewing the summer list, "You would be amazed at how much time we spend deciding how many cases we should hear."

The impending crisis did not just take the Court by surprise. For the past several years the Chief Justice and those Justices who appeared at bar association functions have maintained that the Court was being overwhelmed by a flood of petitions for certiorari. In fact, the Justices were determined to deal with the problem at the beginning of the last term. Unfortunately, that effort had to be called off because, as Justice Stevens explained, "We were too busy to decide whether there was anything we could do about the problem of being too busy."

One possible long-term solution to the problem was outlined over the summer by Justice Stevens when he addressed the American Judicature Society, an organization designed to promote the efficient administration of justice. Justice Stevens urged that an intermediate Federal court be created with the sole responsibility of choosing the Supreme Court's docket. Another possible solution advocated by Chief Justice Burger involves having the Congress act to give the Court greater leeway in determining which cases must be heard.

Neither of these proposed solutions

could be accomplished in time to deal with the immediate situation. The seriousness of the problem was expressed by Justice White at the American Bar Association's convention held in August. "What this means," the Justice said, "is that we shall not be current in our work; cases will be ready for argument, and we shall not be ready for them."

Despite the Court's preoccupation with the docket problem, the Justices have been able to perform their collective and individual tasks admirably. Such evidence of their work at the end of the last term and over the summer recess follows.

## Automobile Search and Seizure

In an unsigned decision rendered without oral argument having been heard, the Supreme Court reiterated the position that when police officers have probable cause to believe that contraband is in an automobile that has been stopped on the road, the police "may conduct a warrantless search of the vehicle, even after it has been impounded and is in police custody."

The present case was brought to the Supreme Court's attention by a defendant who made a petition for certiorari *in forma pauperis*, or as a poor person. When a case proceeds *in forma pauperis* to the Supreme Court, the moving party, usually an indigent person convicted in a lower court, is allowed to bring a challenge to the conviction without paying the normal expenses, which may run to many thousands of dollars.

The indigent defendant in the present case was convicted of possession of a concealed weapon, which had been found by police in his automobile. The defendant came to the attention of police when his automobile was routinely pulled over to the side of the road after the driver had

failed to signal before making a left turn. As the officers approached the automobile, they observed that the defendant was bent forward so that his head was just below the dashboard. In clear view between the defendant's legs was a bottle of malt liquor. The police placed the defendant, who was the passenger and owner of the car, under arrest for possession of open intoxicants in a motor vehicle.

Pursuant to police department policy, an officer searched the automobile while waiting for a tow truck. Two bags of marijuana were discovered in the unlocked glove compartment. Another officer searched more thoroughly under the seat and dashboard and in the trunk. After opening the air vents under the dashboard the second officer found a

Continued on Page 13

## An investment in safety:

# DC cops renew call for body armor

Continued from Page 1

the citizens realize that because of these shootings."

The shootings that stirred the controversy involved officers on routine calls. Luning and his partner spotted a stolen car while on patrol September 14. Luning followed the driver when he parked the car and fled into a nearby apartment building. The officer cornered the man and began to handcuff him, but the man struggled.

During the fight, Luning's gun fell to the floor and the suspect, who was holding him on the floor, grabbed the gun and stood over the officer, firing once into Luning's chest.

Officer Howard was critically injured when she began approaching the robbery suspect in Northeast D.C.

Hankins says both officers would still be on duty if they had been wearing body armor. He cited a study conducted by the Federal Bureau of Investigation, which showed that only four of the 49 law enforcement officers killed by shots to the torso last year would have died if all had worn bulletproof vests.

Although the recent shootings have intensified the body-armor debate in D.C., officers in the department have pushed for vest for about five years, Hankins said. He said department statistics show that 376 officers were assaulted with a

dangerous weapon in 1980.

About two years ago, the department's planning and development division began researching the possibility of providing vests.

Hankins also plans to ask the U.S. At-

torney's Office to toughen prosecution of assault cases when an officer is involved, saying that stricter penalties would discourage the "predictable, definable, describable threat that police officers face every day."

## Houston City Council urges changes in police hiring, promotion policies

Continued from Page 3

posed to just over 16 percent of the department as a whole.

An earlier City Council move to increase the percentage of minority officers is also now under way, Kendrick said. The council set aside 40 percent of the \$8.5 million advertising budget for the department to be used by two local minority businesses in attracting local minority applicants.

Other proposals being considered are that the city permanently adopt standards for recruitment and promotion set out in a judicial consent decree and that reading comprehension tests be revised or the minimum reading level raised.

The committee also recommended that the department enforce its policy forbidding officers from studying for promotional exams while on duty, to answer charges that minority officers were given

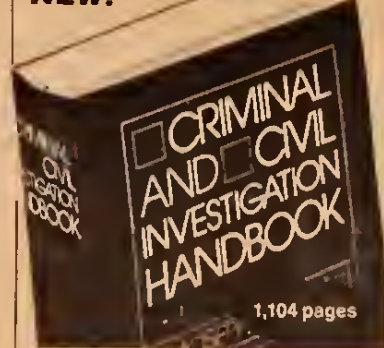
assignments that did not allow them on-duty study time. In addition, committee members pressed the department to increase evaluations and raise standards for field training supervisors, make an effort to assign probationary officers to an area near their homes and standardize transfer policies.

Kendrick said he thinks the review by the city council has been good for both the department and the council.

"It serves a dual purpose," he said. "You run a long time doing what you've been doing and you may not be doing the job you could have been doing, so new and fresh input can make you aware of that."

"I also think the city council came away from this much more impressed with the way we handle our business than before."

NEW!



1,104 pages

Edited by Joseph J. Grau

Now you can make sure you're doing everything you can to help build a case that will stick — no matter what the crime — without the procedural oversights that so often jeopardize an investigation later on, and without the legal slip-ups defense lawyers look for. In plain, no-nonsense English, 68 highly trained and highly experienced investigators spell out step by step exactly what each police officer, private security guard, and detective must know about such areas as:

- ✓ the latest legal ins and outs of stop and frisk, arrest, search and seizure, confessions, rights and waivers
- ✓ police at the crime scene — what to look for and extensive checklists for questioning witnesses, victims, and suspects
- ✓ the latest interrogation and identification techniques, and how to find and use informants
- ✓ preparing for court and how to handle even the toughest cross examination
- ✓ forensics, surveillance, business and computer crimes, insurance fraud
- ✓ and more...much more

Plus special sections on terrorism, drug-smuggling, sexual assault, trafficking in stolen goods, extortion and others.

Mail coupon to use this book FREE for 15 days!

McGraw-Hill Book Company  
P.O. Box 100  
Hightstown, NJ 08520



Please send me the CRIMINAL AND CIVIL INVESTIGATION HANDBOOK #02130-9 for 15 days free examination. At the end of that time I will pay \$47.50, plus local tax, postage and handling, or return the book postpaid and owe absolutely nothing.

Name \_\_\_\_\_

Address Apt. \_\_\_\_\_

City \_\_\_\_\_

State/Zip \_\_\_\_\_

This order subject to acceptance by McGraw-Hill. Offer good only in the U.S. 03-K996-4399-3

# The erratic trail of court rulings in prison-law cases

Does the Constitution follow a person to prison? Within the last 10 to 15 years, the answer to that question has been "yes." Such was not always the case, however. Historically, the courts have been extremely reluctant to intervene in the internal operations of prisons. This reluctance has its origin in 1871 when a

Similarly, the following statement from the 1948 case *Price v. Johnson* is generally illustrative of the non-intervention policy of the courts:

"Lawful incarceration brings about the necessary withdrawal or limitation of many privileges and rights justified by considerations underlying our penal system."

Subsequent court decisions prior to the 1960's tended to reflect this "hands-off" policy, and judicial non-intervention in penal matters. However, within the last decade or so, there has been a general increase in efforts by prisoners to challenge the administrative decisions of correctional officials. Courts have begun to abandon the traditional "hands-off" approach, and numerous attempts have been made to bring the rule of law into the general operation of correctional institutions.

The erosion of the "hands-off" doctrine began in 1961 when, in *Monroe v. Pape*, it was recognized that the prisoner had a right to bring suit under Section 1983 of the Federal Civil Rights Act, which states:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law suit in equity, or other proper proceeding for redress."

In *Landman v. Peyton* (1966), it was

further stated that:

"Under our constitutional system, the payment which society exacts for transgression of law does not require relegating the transgressor to arbitrary and capricious actions."

This tendency of the courts toward increasing intervention into penal administration was further borne out by the following statement from *Jackson v. Goodwin* (1968):

"If a prisoner is serving time to pay his debt to society, any further restraint in excess of those inherent in the sentence, and 'normal' structure of prison life should be subjected to judicial scrutiny."

Then, too, it appears that the courts were prepared to provide full recognition to the rights of prisoners when the Supreme Court declared, in *Wolff v. McDonnell* (1974), that "there is no iron curtain drawn between the Constitution and the prisoners of this country."

During the last decade, the courts have continually challenged and attacked the previously broad discretionary power enjoyed by correctional administrators. Litigation by prisoners has raised constitutional issues in virtually all areas, including access to the courts, mail censorship, freedom of religion, prison disciplinary practices and procedures, the conditions of confinement, and the granting and/or revocation of parole.

The decision handed down in *Palmigiano v. Travisono* (1970) held that most aspects of existing mail censorship were violations of First Amendment rights. Similar rulings were offered in *Johnson v. Avery* in the area of access to

courts and the legitimization of jailhouse lawyer, and *Therault v. Carlson* (1974) in the area of freedom of religion.

The 1973 case of *Mackey v. Proctor* indicated that in some instances medical experimentation with prisoners will give rise to Fourth Amendment questions as to rights of privacy. In the aforementioned *Wolff v. McDonnell*, the due process provisions of the Fifth and Fourteenth Amendments were held to apply to prison disciplinary proceedings. The "cruel and unusual punishment" protections of the Eighth Amendment were extended to prisoners in *Holt v. Sarver* (1970), in which the conditions of confinement were found to constitute cruel and unusual punishment. *Newman v. Alabama* (1972), on the other hand, indicated that inadequate medical care may also constitute cruel and unusual punishment.

The common thread seen in all of the above cases is that there are certain constitutional rights that are fundamental to prisoners; that the existing institutional procedures and/or policies were violative of these rights; that the state, or its agents could not sustain the burden of proof that legitimate correctional concerns, e.g., a compelling state interest or clear and present danger, justified the action taken, and that certain changes were necessary (or mandated) relative to court orders entered in the respective cases.

Although the brief case review offered above indicates the establishment of many constitutional guidelines for the exercise of authority by correctional per-

Continued on Page 7

## THE CJ MONITOR

By SLOAN T. LETMAN  
and HERBERT SCOTT JR.

Virginia court declared, in *Ruffin v. Commonwealth*:

"The prisoner has, as a consequence of his crime, not only forfeited his liberty, but all his personal rights, except those which the law in its humanity affords to him. He is for the time being a slave of the state."

This position, generally referred to as the "hands-off" doctrine, prevailed in the area of prisoners-rights litigation for almost a hundred years.

The thinking behind this policy of judicial abstention has been detailed by David Fogel in his book "We Are the Living Proof — The Justice Model for Corrections".

"The rationale behind the doctrine is that prison officials should have a wide range of discretion in the administration of their institutions. It was felt that the court should not interfere in areas where it lacked the expertise that prison administrators possessed; that the operation of prisons was an administrative function; and that judicial interference might detract from penal goals."

## Announcing the National Safety and Security Show at

LONG ISLAND'S LARGEST SHOWPLACE

**Nassau Veterans Memorial Coliseum**  
EXIT M4 FROM MEADOWBROOK PKWY MITCHEL FIELD COMPLEX, Uniondale, N.Y. 11553

**4 BIG EXHIBIT DAYS**  
**November 11, 12, 13, 14**

— SHOW HOURS —  
Thurs. 6pm-10pm Fri. 10am-10pm Sat. 10am-10pm Sun. 10am-6pm

### EXHIBITS WILL INCLUDE:

Alarms  
(Fire, Burglar, Car, Personal)  
Access Control Systems  
Auto Safety & Security  
Beeper  
Bio-behavioral Psychiatry  
Blood Pressure Screenings  
Business Machine Security & Safety  
Close Circuit TV  
Cable Security Systems  
Crime Prevention Van  
Digital Transmitters  
Dealers & Installers  
Early Warning Fire Detection  
and Extinguishing  
Electronic Briefcase  
Electronic Communication Systems

Exercise and Massage Equipment  
Financial Security  
Fire Marshall  
Fire & Smoke Detection  
Guard Dogs  
Health Safety  
Hearing Conservation  
Holistic Health Dome  
Home Improvement Council  
Industrial Safety & Security  
Intercoms  
Industrial Security Respirators  
Industrial First Aid Kits  
John Jay College of  
Criminal Justice  
Life Saving Equipment  
Locksmith Supplies

Long Island Rail Road  
Long Island Speech Language  
Hearing Association  
Nassau and Suffolk Police  
(Crime Prevention Unit)  
Office Security  
O.S.H.A.  
Paramedics  
Personal Safety & Security  
Polygraph Security Systems  
Public Service Commission  
(Action Line)  
Residential Security & Safety  
Sales  
Safety Grip Floors

Security Cables for Business  
Machines and Lab Equipment  
Security Dealer Magazine  
Security Guards  
Security Shutters  
Security Hardware  
Steel Security Doors  
Travel Safety  
Tools  
Underwriters Laboratory  
Voice Mailer  
Video Insurance Protection  
Video Communication Equipment  
Wireless Alarms  
Window Guards  
Window Bars  
Many More Organizations and Associations

For information call:

**(516) 829-4610 or**  
**(212) 767-3733**

Produced by:

**NATIONAL  
SAFETY  
AND SECURITY  
SHOW, INC.**

11-16 154th St., Whitestone, NY 11357

**The National Safety  
and Security Show  
at the largest showplace  
on Long Island**

**Nassau Veterans Memorial Coliseum**

**4 BIG EXHIBIT DAYS**  
**November 11, 12, 13, 14**

— SHOW HOURS —  
Thurs. 6pm-10pm Fri. 10am-10pm Sat. 10am-10pm Sun. 10am-6pm  
This ticket entitles bearer to one dollar off regular admission price of \$3.00  
Valid for any of the above dates

**DISCOUNT**  
**SAVE \$1.00 with this ticket**

## Town comes through in flap over death benefits

On Tuesday, September 7, Tony Bellino threw open the doors to his Cattleman's Restaurant, the people of Algonquin, Ill., opened their hearts, and more than 1,000 citizens and law enforcement officers opened their wallets in tribute to the memory of Officer Larry Holder of the Algonquin Police Department.

The 33-year-old Officer Holder, a veteran youth officer with the department, had his life and law enforcement career suddenly and tragically ended the way he had lived — by helping a youth of the community.

Algonquin and the surrounding area were struck by severe flooding on July 22, 1982, and a swollen stream raged near the Algonquin Village Hall. Holder, who had been alerted that a 14-year-old boy was drowning in the stream, plunged into the raging waters in an attempt to save the boy. The strong current swept Holder to his death, although the boy was able to escape.

Following the untimely death of the officer, who was single, Holder's family, assisted by Lieut. Steve Schinkel, filed for death benefits with the Illinois Attorney General's Office and with the Illinois Police Association. Attorney General Ty Fahner approved a \$20,000 payment to Holder's mother under the State Victims Law, which provides a benefit for any police officer or firefighter who dies "in the line of duty." The IPA, on the other hand, notified the Algonquin Police that Holder, an association

member, did not qualify for its \$2,000 death benefit because he did not die by "violent resistance," as specified in the association's by-laws.

The police association took its action despite a hearing held on August 5, at which attorneys for police groups argued that drowning should be considered death by violent resistance. Upon learning of the denial of the death benefit, Lieut. Schinkel began to organize a benefit dinner to raise the difference between the \$600 stipend awarded by IPA for death by natural causes and the violent-death benefit of \$2,000.

Bellino, whose Cattleman's Restaurant lies three miles outside the Algonquin village limits, agreed to sell 200 tickets at a price of \$10 each, and donate the facilities and food for the dinner. Bellino recalled:

"I sold the 200 tickets in two days and the project just escalated, so I decided to provide the entire restaurant and serve as many people as wanted to come. Over 1,000 people were served and in excess of \$12,000 was raised for the Larry Holder Scholarship Fund."

At the conclusion of the evening's program, Bellino presented a check for the preliminary amount of \$10,000 to the late officer's nieces, and, in an emotional voice, told the gathering that the amount was "the result of a community that cares, that the scholarship fund will benefit youth, and that the children is where it's at because without our children there is no tomorrow."



Bagpipers from the Chicago Police Department's Emerald Society offer their tribute to the late Officer Holder at the benefit held to endow a memorial scholarship fund.

A five-member committee will be appointed to administer the fund, which will be used to provide grants for college study to deserving high school graduates from the Algonquin area. Restaurateur Bellino serves as president of the fund, while Lieut. Schinkel serves as secretary.

Bellino, whose cooks, bartenders and waitresses also donated their time, ex-

plained that he got involved in the scholarship project "because I wanted to support the memory of an officer who did so much for the youth of the community, and to express disapproval of the actions of a police association which has over 20,000 members who could face the same predicament."

The president of the Illinois Police Association, Dale Gulbrantson, told columnists for the Chicago Tribune that his organization was caught in the middle of a "damned-if-we-do-and-damned-if-we-don't" situation because of the wording of the group's by-laws. An IPA spokesman also told the Tribune that no decision had been made in the matter.

"Our attorney is trying to determine just what is violent resistance and will report back to us," the spokesman said.

At last report, the organization was sticking to its determination that drowning did not constitute death by violent resistance, as specified in the by-laws.

In another development in the affair, Randal Baudin, an attorney retained by Officer Holder's mother, indicated that he would ask a judge to define "death by violent resistance."

"No one can understand why Larry didn't qualify," Baudin said. "We want an accounting of the \$300,000 in annual fees paid to the IPA by the membership for eventual benefits. We may also seek a judge's interpretation of their by-laws and sue them for breaching their contract with Holder by not paying his family his rightful death benefits."

The Illinois Police Association may run head-on into one possible long-term consequence of its actions in the Holder case later this year, when membership renewal notices are sent out by the organization. One police chief from northern Illinois said that a number of IPA members have indicated that they plan to return their membership cards to the organization in protest over the Holder case.

### The CJ Monitor:

## Tracing the trends in prison-law rulings

Continued from Page 6

sonnel, within recent years there appears to have been a shift in the attitudes of the courts, supporting a return to the "hands-off" doctrine and a gradual reduction of judicial involvement in the correctional process. An examination of the following cases would appear to be indicative of a return to the non-intervention policy in the area of prisoners' rights.

In *Meachum v. Fano* (1976), inmates brought suit after being informed that they were being transferred to a maximum security prison. They contended that such a transfer would result in a "loss of liberty," and that they were thus entitled to a due-process hearing as a result of the modification of their "conditions of confinement." The Supreme Court stated:

"The Constitution does not require that a State have more than one prison for convicted felons, nor does it guarantee that the convicted person will be placed in a particular prison. . . The initial decision to assign the convict to a particular prison is not subject to audit under the Due Process clause, although the degree of confinement in one prison may be quite different than that in another."

Transfers, said the Court, "are not conditioned upon specific acts of inmates, but are strictly a discretionary decision, and the power to do so (transfer) is vested totally in prison officials."

Therefore, the Court concluded, a "liberty interest" in the transfer of inmates from one institution to another does not invoke due process protections. To state otherwise would involve the courts in the day-to-day monitoring of administrative decisions made by correctional authorities.

In another case, *Jones v. North Carolina Prisoners' Labor Union* (1977), a First Amendment question is raised based upon state prison regulations that permitted membership in prisoner unions, but prohibited inmates from soliciting members, banned union meetings, and did not allow union materials to be delivered in bulk to the institution. The prisoners brought suit, claiming that their First Amendment rights of freedom of speech, freedom of association, and right to assemble were being violated by the institution's ban on their solicitation of members and meetings in the institution.

In *Pell v. Procunier* (1974), the Supreme Court had stated:

"An inmate does not retain those First Amendment rights that are inconsistent with his status as a prisoner, or with the legitimate penological objectives of the correctional system."

Basing their opinion on *Pell*, and the institution's contention that a union could be "detrimental to the order and security of the institution," the Court held:

"The concept of incarceration entails a restriction on the freedom of inmates to associate. We therefore recognize that wide ranging deference must be accorded decisions of prison administrators. The creation of an inmate union will naturally result in increasing the existing friction between inmates and prison personnel. It can also create friction between union inmates and non-union inmates."

Finally, in *Bell v. Wolfish* (1979), the prisoners (pretrial detainees) complained that: they were being housed by twos in one-man cells; they were prohibited from receiving books from sources other than book clubs and publishers (the "publisher-only" rule); they could receive no packages except one at Christmas;

their cells were searched in their absence, and that they were subjected to body-cavity searches following visits where they were not separated from their visitors by a partition. They claimed that all of these practices violated their due process rights to liberty. The Court responded:

"With respect to conditions or restrictions having no specific constitutional source for protection that a pretrial detainee has a right under the due process clause of the Fifth Amendment to be free from any punitive conditions or restrictions during his detention."

To determine whether those restrictions detailed in this case constituted punishment, the Court relied upon the test used in *Kennedy v. Mendoza-Martinez* (1963), which requires that the following determinations be made:

"Whether the sanction involves a disability or restraint; whether it has been historically regarded as punishment; whether its operation will promote the traditional aims of punishment — retribution/deterrence; whether the behavior to which it applies is already a crime; and whether it appears excessive in relation to the purpose for which it is given."

Applying those criteria to the practices complained of in *Bell*, the Court indicated that none of them involved punishment, as they could be considered to be "rational responses to the legitimate security objectives of the institution."

With this decision, the Court seemed to imply once again that subsequent restrictions placed on prisoners that appear to infringe upon basic constitutional guarantees must be balanced against the legitimate concern of correctional administrators for internal order and security.

### New York Institute of Security and Polygraph Sciences Polygraph Training Course

Evening and Saturday course, commencing October 5, 1982. For information, call: John Fitzgerald, (212) 344-2626, 82 Beaver St., NY 10019.

# Capitol thinking on crime

## An interview with Rep. Bill Hughes, chairman of the House

LEN: How important are crime-related issues in the current Congressional campaigns?

HUGHES: I think it's going to be one of the top issues. I think that after the economic issues, inflation issues, dealing with the economy, crime is going to be on the top of most everybody's list of concerns.

LEN: Will crime issues be important enough to be the decisive factor in some races?

HUGHES: It certainly could be, in a marginal campaign. I think most people today want to spend more money than is being spent on law enforcement and anti-crime programs. There's a deep-seated frustration over our inability to come to grips with the problem, and I think that, generally speaking, people have been very skeptical of public officials when it comes to the crime issue. That cuts across both parties. But they're looking for somebody that will make it a top priority and will come up with common-sense initiatives that will begin to realistically address the problem. In some districts I have no doubt that the position one takes on crime could make the difference.

LEN: What are the specific issues that will be coming up during the campaigns?

HUGHES: I think that probably the insanity defense will be pretty well worked over. That's going to be certainly one of the issues people talk about. And yet it represents a rather minor aspect of the criminal justice process. Certainly, correcting the insanity defense and trying to make it more reasonable and responsive and rational is important, but I'm not sure that it would make that much difference in our anti-crime fight. But certainly that's one of the issues that people are going to be talking about.

They're also going to be talking about lack of resources. People generally know that, for instance, there's been a major cutback in the Coast Guard. There's a general perception that we've cut back in other areas, the Drug Enforcement Administration. It's becoming more and more common knowledge that the agencies like the Bureau of Alcohol, Tobacco and Firearms have not had sufficient resources to do a decent job. And that means the local police departments have had to pick up a lot of the slack and they're already overburdened. So I suspect that resources are going to be very much an issue in the coming campaign. LEN: What changes in the public's attitude toward crime have you noticed lately, particularly since the shootings of John Lennon, President Reagan and the Pope?

HUGHES: I think that there really hasn't been a pronounced change in attitude. People for some time have been very frustrated over the criminal justice process. There is the general perception that it's not working very well. I believe that the Administration has, to a great extent, focused in on some of the problem areas, but neglected the overall problem that exists, and that is lack of resources. I think people realize that we've lost some basic ingredients out of the soup, and that certainty that was once present, which is so essential to an effective criminal justice process, is no longer there. People, first of all, don't think they're going to get caught. The chance of apprehension is, in their minds, low, so

there's every inducement on the part of a lot of people to chance it and to commit that offense with the reasonable assumption that they won't get caught. If they are caught, they don't think they're going to be punished, and if they are punished they don't think they're going to go to jail. So we've lost that certainty and severity of penalty that is essential to the system. That's what people want to put back into the system. They want also us to pay more attention to the victims of crimes. We've neglected the victims. Insofar as restitution is concerned, we give lip service to the old policy of restitution, but it really isn't an important part of the criminal justice process. We also do not endeavor to protect, ad-

have to hit the drug traffic.

We've already passed and sent to the President that modification of the Posse Comitatus law that enables the Defense Department to share intelligence information and equipment with law enforcement agencies. We found that that's been very helpful already in southern Florida in particular.

We just sent over to the press the Pretrial Services Act, which is going to provide judges with a lot more information about a defendant before bail is set, not after bail is set. We found in some 10 demonstration projects around the country that we can save money that way. The re-arrest rate is down because if you learn a lot more

**'There's a deep-seated frustration over our inability to come to grips with [crime], and people have been very skeptical of public officials when it comes to crime.'**

vise and assist the victim and witnesses to offenses. They often end up coming forward to testify or to otherwise give statements relative to a crime and often they're totally neglected after that. They don't know what happened to the defendant, they're often harassed if in fact it does come to trial. We haven't done a very good job of protecting the witnesses. That's something else they want to see addressed.

LEN: Is this frustration that you mentioned making any difference in the lobbying efforts of citizen groups?

HUGHES: People basically are frustrated that we have focused so much attention on the criminal and so little attention on those who are victimized by the criminal. I think that that's what I see most of all in my town-hall meetings and in letters that I receive. They want us to commit the resources to make the criminal justice system work. We hear a lot about national defense and it certainly is important but people generally don't feel the impact, the threat of the Soviet Union directly like they do crime. Crime touches about one-third of the families. In fact, I saw statistics today that demonstrated that 30 percent of American families have been touched by violent or property offenses. So most people, over a period of five years, were affected by crime very directly. That's not the case with national defense issues.

LEN: What types of crime legislation will be coming up in the next session?

HUGHES: We already see a number of bills moving. I have about 10 bills that either have passed and been signed into law by the President or are on the way to the President or are receiving attention on the Senate side or on this side of the Congress. For instance, (there's) H.R. 4481, the Justice Assistance Act of 1981, which provides funds for state and local government to carry out proven anti-crime programs, such as the Career Criminal Program and Treatment Alternatives to Street Crime and PROMIS and other proven anti-crime programs that we've taken from the old LEAA program. It's now over on the Senate side. It passed the full Judiciary Committee and they expect to take it up in the full Senate this week. That bill also has a (section) which provides a rapid Federal response procedure to local crime emergencies, such as we do for drought aid, provide Federal assistance to those communities that find that their crime programs are inadequate to the task. We've passed out of subcommittee a major comprehensive drug-penalty act, which provides for a tenfold increase in fines for major drug traffickers. The present fine level is a \$25,000 maximum fine. We know that that's pocket money for people who are making millions and millions of dollars in drug trafficking. It also has a provision for alternate fines, where a judge after conviction can impose a fine double the amount of the proceeds taken from that criminal enterprise. It also has a built-in presumption, where the defendant has acquired a lot of assets after the criminal enterprise began, but his tax returns indicate that he can't justify or explain where those assets came from, a presumption attaches that they came from that criminal enterprise, to enable us to begin forfeiting assets. It's something we really haven't dealt with seriously, and we think that that's where we

about a defendant, you can make better bail decisions. We also have found that judges will have a lot more information at the time of sentencing by looking at a defendant during the entire process.

The Senate is about to take up my bill, which was passed some time ago by voice vote, that will enable us to track drug-dependent defendants, people who have drug problems who are out on parole or probation. That now is receiving attention on the Senate side.

We just sent over to the Senate and they're taking up, hopefully this week, the anti-arson act that I developed in subcommittee, which would expand the Federal jurisdiction so that we can include major interstate arson cases. Right now the Bureau of Alcohol, Tobacco and Firearms has to make a determination that the fire, although suspicious in nature, was caused by an incendiary device. That often isn't possible because the fire often has destroyed the evidence. That's what the BATF has to do first, they have to determine that an incendiary device actually started the fire. This would change the law in that regard. That's the major arson initiative.

The Senate just sent back for compromise, and perhaps as a prelude to conference, a major bill that I developed that would implement a treaty involving nuclear material. It would impose fines and prison terms for the illegal diversion or use of nuclear materials to achieve certain ends. This was aimed particularly at international terrorists.

We just passed and sent to the Senate last week a major initiative that Henry Hyde (of Illinois) and myself developed, which would make it an offense to manufacture false identification — manufacture, distribute or otherwise sell, or to possess with intent to defraud the United States Government false identification documents. We think that that's a major initiative that will direct itself at that subculture that is using false identification to bilk billions of dollars out of Uncle Sam and private industry every year.

We just passed S.907, which the President asked for last week in his radio message, that will provide Federal offenses for attacks on high officials. Jim Brady, for instance, would be covered now by that particular statute, as would Sandra Day O'Connor when she was a nominee to be a Justice of the Supreme Court. At that time, nominees were not covered, and yet that's the time when they're most at risk, during that confirmation process.

The Extradition Act of 1982 is a major, comprehensive reform of this country's century-old laws governing extradition. That's to go to the floor, hopefully, this week or next week. The Senate's already passed that particular measure.

So we have about 10 or 11 different crime initiatives that we think will help plug some of the holes in the dike. LEN: I want to go into those initiatives in more detail in just a moment, but first, you mentioned the uproar over the insanity defense. Were you surprised at the response to the verdict in the John Hinckley case?

HUGHES: No, I really wasn't. That was expected. It's a wonder it didn't happen sooner. It took a case involving the President, I suppose, to really focus in on what has

*Rep. Bill Hughes, a Democrat representing New Jersey's Second District, is chairman of the House Judiciary Subcommittee on Crime.*

*First elected to Congress in 1974, the 50-year-old Congressman Hughes also serves on the Merchant Marine and Fisheries Committee, the Select Committee on Aging and the Democratic Steering and Policy Committee.*

*Before his election, he was president of the law firm of Loveland, Hughes and Garrett in Ocean City, N.J., and he served for 10 years as First Assistant Prosecutor in Cape May County.*

*The Congressman received his undergraduate and law degrees from Rutgers University. He has served on the Board of Trustees of the New Jersey State Bar Association and as director of the New Jersey Prosecutors Association and the National District Attorneys Association.*

# Criminal justice

## House Subcommittee on Crime

been a major flaw in the insanity defense as we've known it. I don't think the answer is to create a whole new defense of guilty but insane, which is the defense the President would want to create. I think the answer is to change the manner by which we air the question of insanity. In the Hinckley case, it was the prosecution that had to prove beyond a reasonable doubt that the defendant was sane, and that's a tremendous burden. After the state puts its case in, after the U.S. Attorney has put a case in, showing the defendant has committed each and every element, including the element of intent, which presumes an individual to be sane, or else they can't form that specific intent, then it should be incumbent upon the defendant to come forward with proof that the defendant is insane. That should be the defendant's burden to come forward with evidence and show by a preponderance of the evidence at a very minimum that he didn't form the requisite intent because of some disabling mental condition. That is the approach that I think we have to take.

LEN: I know that most of the work on reforming the criminal code is being done in the Senate, but you must keep a close watch on that work. What do you see as the chances for any reforms coming out of the next session?

HUGHES: I think that there's a good chance in the next session. . . Anytime you deal with an omnibus bill like that, it's a very difficult task, even when you begin (early) in a session. But it seems to me that enough work has been done on the criminal code that we should be able to get it through next year. It's just unfortunate that we weren't able to pass it this year. There's a great deal of support in the full Judiciary Committee for the criminal code. It has unfortunately gotten bogged down in the subcommittee on criminal justice. But I'm optimistic that in the next session of Congress we will pass it.

LEN: Why do you think the reform has been so difficult?

HUGHES: Because it has so many different provisions, many of which are controversial. A number of different groups, all the way from the far right to the far left, have taken positions that are just irreconcilable on some of the issues. The thing we have to do is to remove those very controversial aspects of it, treat them separately and try to pass a major revision of the criminal code, which I think is long overdue.

LEN: To get back to the bills you mentioned, let's discuss the revision of the Posse Comitatus law. Why was that needed?

HUGHES: For the reason that the military, in its overflights and its radar capacity, often picks up the movement of ships and airplanes that law enforcement agencies would not otherwise be aware of. They did not routinely pass that information on to our intelligence, that is our law enforcement intelligence community. That's a major source of information that should be factored in by the law enforcement agencies in this country. We now have a major center, the El Paso Intelligence Center in El Paso, Texas, that is a clearinghouse for all types of intelligence information, and the one area that was neglected was military intelligence. So, with all the naval and other activities, Navy in particular — Navy has a rather large presence in the Caribbean — why, they were able to provide a lot more information about ships and airplane movement in the Caribbean region. And that's where much of the activity relative to cocaine and marijuana is coming from.

LEN: What are the other circumstances in which this could be helpful?

HUGHES: It's helpful in, also, border activity, not to just law enforcement agencies, but we get information about other illicit activities that are important to the Immigration and Naturalization Service and the Customs Service.

LEN: Isn't there a danger that this will open the door for using the military to enforce the law?

HUGHES: No, because we've made a very clear line of demarcation between law enforcement functions and the military. The military still does not have any authority, nor do we want them to have any authority, to make civilian arrests. That was the whole purpose of the Posse Comitatus law. What we've done is we've encouraged the military to share intelligence information with law enforcement agencies and often to provide

equipment and manpower to operate that equipment, but that doesn't put them in a confrontation role with the criminal element. So it's a very clear line of demarcation as to permissible and impermissible areas of the military.

LEN: What has been wrong with the Federal arson laws?

HUGHES: Under the arson statute, the Bureau of Alcohol, Tobacco and Firearms, which is an agency of the Department of the Treasury, has to first determine whether a fire was started by an incendiary device; that is the way the statute was constructed, and the court's interpretation. Sometimes that takes an awful lot of work to try to determine what was the cause of the fire, what started the fire. Sometimes it's impossible to tell how the fire was started, although we may know that it was started under suspicious circumstances, that it started by gasoline or in some other fashion, and that it impacted interstate commerce. What this legislation would do, it would make it possible for the BATF, where interstate commerce is involved, to investigate a fire of suspicious origin without requiring the BATF to first determine what started the fire, that is whether it was an incendiary device.

LEN: What kind of reaction have you gotten from the insurance industry?

HUGHES: Very supportive. They went and testified in support of the legislation. What (this legislation) is going to do, it's going to free up the BATF agents, which are in short supply as it is, so that they don't have to spend a lot of their time, in some cases up to one-third of their time, trying to determine how a fire started. In the past, the BATF has had to go through an exercise, first

**'In many instances law enforcement agencies took [LEAA] money, not because they really wanted to give the program a real try, but because it was free money.'**

in trying to determine whether or not an incendiary device was involved. Sometimes that takes months, and if they manage to establish that it was not an incendiary device, then, under the present statute, they don't have jurisdiction, which means that that was just wasted effort. Now that's not necessary as long as there is Federal jurisdiction otherwise, that is as long as interstate commerce is involved, there is an impact on interstate commerce, the BATF has jurisdiction over a fire of suspicious origins, whether started by gasoline or by an explosion.

LEN: How does your Justice Assistance Act differ from that proposed by Senator Arlen Specter?

HUGHES: Sen. Specter's bill was basically in response to what we passed over here. It's a scaled-down version; it carries less of a price tag. It's about \$125 million and my legislation calls for an expenditure of \$170 million. I have about 13 categories that are fundable; Sen. Specter's bill has about seven categories. Mine is a block-grant approach, (while) Sen. Specter's is more of a formula approach. His emphasizes technical assistance more than mine does, but basically they're the same type of legislation. The legislation really takes all the success stories of the LEAA and puts them into a block-grant program for the states, so that there will be a Federal leadership. It also has some flexibility within the bill so that the Justice Department can fund those innovative, new techniques that are being developed by the National Institute of Justice, another non-profit agency, so that we'll have some opportunity to test new ideas on the marketplace. . . . It's really a targeted program. What we've done is taken the success stories, like the Career Criminal Program, and we've made that a fundable category in a 50-50 matching grant program for the states. The money is going to go to the states based on population and crime rate, with an automatic pass-through to the local units of government in proportion to the amount of money that they spend on their crime program. Then there's one provision in there which gives the Justice Department the flexibility to fund new programs, innovative ideas, which, if they



work after they've been tested in the marketplace, will be added as another category. But it's a targeted, focused program.

LEN: Why did you choose that targeted approach, as opposed to a more generalized funding proposal?

HUGHES: Because these programs have been proven to have worked. They were programs that were tested and were found not wanting, that were found to be cost-effective. We also know that there are many, many jurisdictions around the country (that) have not tried these programs. This particular initiative will attempt to encourage municipalities around the country, law enforcement agencies, to try programs that have been proven successful in other areas. For instance, we'll say to law enforcement agencies in Florida, "Look, this worked in California. We think you ought to try it."

LEN: What is the purpose in setting up the funding as a matching grant program?

HUGHES: One of the criticisms of LEAA, and it was a valid criticism, was that in many instances law enforcement agencies took the money, not because they really

wanted to give the program a real try, but because it was free money; it was Federal money. We think it's important for the agency that is going to implement the program to be committed to it, financially and otherwise. This will insure that they'll do their very best to implement the program. We base that upon our finding that any program is only as successful as the people that want to implement it, and when an agency comes up with a hard 50-50 match, we know they're going to be committed to making sure that that program is implemented properly.

LEN: You spoke to the public's growing skepticism about the Government's ability to deal with crime. This is the kind of program that elected officials can point to and say, "Here's something we're doing." Is that part of the motivation behind it?

HUGHES: No question about it. The Federal Government, I think, can do a number of things in an anti-crime effort. Number one, we can be good partners. That is, we can fund realistically and adequately those areas that are primarily Federal, such as drug traffic. That is something that is a Federal concern. Marijuana, cocaine and heroin by and large come from outside our borders. It's not grown within the United States. That's a Federal matter. Bank robbers of national banks are Federal matters. When we do our job well, then we relieve the pressure on the local units and the state units that are overburdened and who have the primary responsibility for combating violent crime, street crime. The second thing we can do is to cooperate, coordinate, provide training. The third thing we can do is to provide national leadership, and that's where . . . the Justice Assistance Act comes in. That's our national leadership, trying to do two things. First of all, share with the states proven crime programs. Second of all, continue our research aspects of law enforcement through the National Institute of Justice and other agencies and to continue testing those new ideas in the marketplace to come up with new solutions to the changing crime problem. . . . It also has that Title II, which I indicated is a rapid

Continued on Page 10

# LEN interview: Congressman Bill Hughes

Continued from Page 9

Federal response mechanism so we can provide assistance to those communities that are over their heads with a crime epidemic.

LEN: What is involved in the program you mentioned that will track drug-dependent prisoners who are on parole or probation?

HUGHES: That's the Drug Dependent Federal Offenders Act of 1981. That passed the House back in October of last year. It is now receiving attention on the Senate side. That would enable us to track drug-dependent offenders who are out on parole or probation to make sure that they don't slip. That's been the problem in the past, after they've been paroled or got on probation; we don't endeavor to monitor or track them, and as a result the chances of them slipping and resorting to crime again are very high. This subjects them to urinalysis screening six times the first month, then it declines over a period of a year until we're fairly sure that they're not going to go back to their habits again. This program has enabled us to cut the re-arrest rate back. We've done a much better job of trying to assist these individuals in trying to overcome their drug dependencies.

LEN: How much expense would be involved in that?

HUGHES: It's a fairly modest amount that would be funded, about \$7 million a year.

LEN: What is the goal of your legislation concerning nuclear materials?

HUGHES: That is aimed at people that would use nuclear material to extort, to threaten, to intimidate. It has application extra-territorially so we'd be able to deal with those problems that might be caused by international terrorists that would be inclined to use nuclear materials to accomplish certain political or economic objectives. It provides up to life imprisonment where death or serious bodily harm ensues from the use of material, or the conspiracy to use materials for those purposes. That passed the House, passed the Senate and we're now trying to work out the differences between the two bills.

LEN: What are some of the problems you're trying to cover with the changes in extradition policies?

HUGHES: One of the problems is that it covers the

question of what is a political offense. There's been no guideline from the courts. There is no right on the part of the defendant or the state to appeal. What we've tried to do is to define what is not a political offense. For instance, homicide is not generally a political offense, so that we provided direction and guidance for the court in determining what is a political offense. Also, we have provided a procedure to protect both the defendant and the Government, giving them the right of appeal. There's also a right to detain a defendant for a period of time without bail. There's also a procedure for the setting of bail. The bill for the first time insures the defendant of the right to counsel, and the right to have a counsel assigned if the defendant is not able to pay for counsel. It makes some major reforms in the centuries-old extradition law.

LEN: Do these guidelines have to be worked out in cooperation with each country we have an extradition

which are used to get, for instance, a passport, a Social Security card, welfare assistance.

LEN: What do you see as the benefits of the drug penalty act involving forfeiture and fines?

HUGHES: The penalties are too low. The maximum fine for a drug trafficker is \$25,000. That's ridiculous. We know that that's just pocket money for those people. They're making tens of millions of dollars every month in drug trafficking, and to have a maximum fine of \$25,000 really isn't a deterrent. This restructures the fine structure to increase the penalties tenfold. It has that alternative fine provision where the court can impose a fine of double the amount of the proceeds of the criminal enterprise. The forfeiture is a provision that will enable us to begin focusing in on their yachts and their mansions and other assets which their tax returns would not justify them having. It will enable us to begin focusing in on the profits of drug trafficking, and that's

**'The House is so structured that it would be pretty difficult, if not impossible, to get an omnibus crime bill out.'**

agreement with?

HUGHES: This has nothing to do with the negotiation of treaties. That's the President's responsibility, along with the Senate. This merely implements the procedures which follow when a treaty is in existence. Treaty-making powers are up to the President.

LEN: Are the offenses concerning falsification of identification aimed at problems with illegal aliens?

HUGHES: Yes, aliens, fugitives that use false IDs, people that use false IDs to buy food stamps, social security checks they're not entitled to, unemployment compensation they're not entitled to. It's aimed at the people who manufacture, distribute and otherwise use false ID to defraud the United States Government. It also is aimed at "breeder documents," people that are manufacturing and distributing what I call breeder documents — birth certificates, driver's licenses —

where we can really hurt these people. They're in it to make money and if we can hurt them in the pocketbook, take away the fruits of their crime, it seems to me that we can make a major impact.

LEN: Are there other bills that those in law enforcement should watch for in the coming session?

HUGHES: That covers it pretty well. The crime package that I've just outlined is individual bills, but that's the only way that we're going to get a crime package through Congress. You can't pass an omnibus bill out of the Congress on the House side, because it goes to so many committees. For instance, in our own Judiciary Committee, the omnibus package would go to about three different subcommittees and then if you reported that omnibus bill out of those three committees and out of the full Judiciary Committee, then it would be referred to probably three or four other committees. The House is so structured that it would be pretty difficult, if not impossible, to get an omnibus crime bill out. If these 10 bills I just talked about were in one bill it would be very difficult to get that bill through the House.

LEN: Are there other crime issues that you haven't addressed in a bill yet but that you might address in the near future?

HUGHES: We're going to be doing a lot about handgun abuse, trying to focus in on the criminals that use handguns in the commission of a crime. Child-snatching has become a major problem in the country, and that's a subject we're doing something about. I'm about to introduce legislation that would make it a Federal offense so that we can get more assistance from the FBI. We're going to be getting into aspects of the organized crime problem, perhaps redoing the RICO (Racketeer-Influenced Corrupt Organizations) statutes in the next session of Congress. There are a number of things that time will not permit us to take up this session but that we're going to look at very seriously in the next session.

## Runaways and Non-Runaways In an American Suburb:

### An Exploratory Study of Adolescent and Parental Coping

by Albert R. Roberts, *Seton Hall University*

with an Introduction by Albert S. Allissi, *University of Connecticut*



Every year an estimated million people run away from home, and many of these people are adolescents who become victims of crime, drugs, sex, and murder. In approaching the problem of runaway youth, Professor Roberts studied and interviewed in depth thirty runaways and thirty other youths who had not left their homes.

"Dr. Roberts' study," states Dr. Allissi in the Introduction, "is not just another comparison control group study. . . (but) sheds light on concrete episodes, crucial situational and interactional variables. Parents and others so essential to the study process are brought into the study. . . as a significant component in the interactional drama that brings about runaway behavior. . . Dr. Roberts' study. . . forces us to recognize that the problem behavior of our youths. . . lacks meaning unless it is seen in the situational and interactional context in which it is fostered and subject to social and legal controls."

134 pages

paperback

\$3.00

Criminal Justice Center Monograph No. 13

Order prepaid from The John Jay Press, 444 West 56th Street, New York, NY 10019.

## Coming up in LEN:

**An interview with  
Richard M. Daley,  
State's Attorney of  
Cook County, Illinois**

**You'll say you saw it in  
Law Enforcement News**

# CRIMINAL JUSTICE LIBRARY

We read and review...

## Essays on crime, from a 'cynical realist' perspective

Justice and Consequences. By John P. Conrad. Lexington, Mass.: Lexington Books, 1981.

"Justice and Consequences" presents the reader with a series of 11 essays that are at once interesting and provocative. The title of each essay implies a note of cynical realism, ranging from "To Lift the Utilitarian Fog" to "Beat the Dead Horse, But He Rises Again."

The book begins with an excellent foreword by Federal Judge David Bazelon, who contends that Conrad's work exposes the idea of correctional "purpose" and the idea of "criminal justice without social justice" as the two fundamental myths of corrections. Judge Bazelon continues by stating:

"As long as we direct our attention and resources exclusively toward the criminal and correctional apparatus, we will be reacting to, and not acting on, our social problems.... We cannot reasonably expect judges, correctional officers, and prison administrators — the janitors of our criminal justice system — to cure our social ills."

Perhaps as good an example as any of Conrad's sense of cynical realism is his rejection of the utilitarian position that corrections should be involved in the prevention of crime as well as punishment for crime. Conrad seems to be more comfortable with the idea of retributive justice as the primary goal of corrections. He refers to the process of arrest, trial, conviction and penal control of offenders (whether in prison or in the community) as being an "intimidating sequence" which criminals must experience. While such a process might well be "intimidating" for some criminals, par-

ticularly first-time offenders, one has to wonder how intimidating such a sequence is to repeat, career criminals or to older institutionalized offenders? Conrad quotes a 19th-century judge as saying, "The criminal law stands to the passion of revenge in much the same relation as marriage to the sexual appetite." (Although given the current divorce rates in which extra-marital sex is involved, combined with venereal disease epidemics, one might wonder whether the greater revenge is exacted within or without our system of criminal law?)

In an essay on our present prison system, Conrad offers seven guidelines for making prisons humane, which include having a legitimate grievance procedure, utilizing smaller prisons and

employment for inmates at wages approximating what they could earn outside of prison. These guidelines are meritorious in the same fashion that many other guidelines, including the Ten Commandments, have been. The more difficult questions and issues reside in just how does one go about translating such guidelines from the theoretical-inspirational realm into the working language of day-to-day correctional process?

In another chapter, Conrad examines the "dangerous" juvenile offender. He cites as a positive development the Massachusetts experiment of abolishing traditional correctional youth facilities and substituting smaller "secure-care units" for dangerous youthful offenders.

While this development may appear positive, at least theoretically speaking, there is disagreement regarding the reorganization's effectiveness. For instance, Vogel and Thibault state in their 1981 article, "Deinstitutionalization's Runaways: The Development of a Juvenile Prison in Massachusetts":

"Despite all the therapeutic jargon and liberal claims relating to secure care, the Worcester Secure Treatment Program was and remains a prison. Attempts to impose concepts of treatment in this maximum-security, custodial setting have led to conflict and confusion in objectives, with unfortunate results."

"Justice and Consequences" should not be read as a necessarily objective or

Continued on Page 13

## Trailblazing in comparative criminology

Readings in Comparative Criminology. Edited by Louise I. Shelly. Carbondale, Ill.: Southern Illinois University Press, 1981. 273 pp.

In preparing this anthology, Louise Shelly is entering the relatively new, small field of comparative criminology. As the author explains, "The search for explanations for the universality and tenacity of this social problem makes crime an idea candidate for comparative analysis."

In a companion text, *Crime and Modernization: The Impact of Urbanization on Crime*, Shelly rejected present sociological theories and, in their place, presented a "modernization theory" of crime. This theory, according to the author, should provide a "theoretical

framework necessary to analyze the evolution of criminality in the last 200 years," and, in addition, can absorb other theories under its multitude of concepts and argument. Shelly's new volume of readings in comparative criminology contains a series of articles that are vital to the formulation of her argument and theory.

This anthology compiles a number of articles, which as previously stated, supplied Shelly with the data base for the first book. The book is divided into two sections. The first, "Offender and Offense Comparison," includes five readings, including Simon on women and crime; Toby, Friday, Hage, Vaz and Casparis on age and juvenile delinquen-

cy; and Archer and Gartner on comparison of homicide by offenses. The second, "Social Forces, Crime and Criminal Justice," includes readings by Gurr and Zehr on crime trends in Europe, Shelly's study on crime and urbanization in Russia, part of a United Nations Crime Survey, and an article by Bacon, Child and Barry on correlators among child-raising patterns, social stratification and attitudes with theft and personal crimes in 48 preliterate societies. These articles attempt to establish linkage between crime and large social changes, with the emphasis not on specific determinates of crime, but on the relationship of changes in patterns of crime to historical social trends.

The last three articles in the second section include writings by Middelndorf and Los and Anderson, and a summation of criminological research in Europe during the 1960's by Doleschal. These articles were selected to demonstrate society's reaction to crime in terms of offender treatment and the study of criminality.

The 14 articles in this edited volume cover a wide spectrum of issues and draw upon the talents of many different, diverse disciplines as the editor attempts to get the reader to understand crime in the context of the social, economic and political forces that mold human behavior in today's complex society. Indeed, as the editor states, comparative criminology "analyzes the dynamics of criminality and the social response to criminality among different regions and cultures within one country and across countries and historical periods. It studies crime as a social phenomenon determined by the legal norms and customs of each society."

Shelly's book is a useful beginning, as it establishes an argument for comparative research, and brings together a number of articles and much information on patterns of crime over many periods. Shelly demonstrates that comparative analyses can be done. However, this is not an easy book to read and certainly is not recommended for casual students of criminology, as one has to be dogmatic in attacking the book.

—DAVID L. RATHBONE  
Director of Court Services  
Elkhart County, Indiana

### Unleashing a broadside:

## A proponent's-eye view of handgun control

Guns Don't Die — People Do. By Pete Shields. New York: Arbor House, 1981. 191 pp. \$5.95.

This relatively short polemic by the chairman of Handgun Control Inc. deals primarily with four areas: the origin of Shields' interest in gun control; the evolution and strategy of Handgun Control Inc.; a presentation of Shields' views on handgun control, and a brief in support of the Kennedy-Rodino gun-control bill.

Nelson T. "Pete" Shields was an executive with the Du Pont Company with little concern about guns until the tragic murder of his son Nick in 1974. Nick was murdered with a handgun by one of San Francisco's infamous "Zebra" killers. Thereafter Shields became involved with the National Coalition to Control Handguns (NCCH) and was granted a leave of absence from Du Pont to lobby for gun control in Washington. In 1976 he retired from Du Pont and in 1978 became chairman of Handgun Control Inc. — the successor organization to NCCH. One of the surprising things revealed in the autobiographical sections of the book is that, unlike most gun-control advocates, Shields is a conservative on most other issues.

NCCH originally backed a civilian handgun ban but due to a number of fac-

tors, including poll results showing that a majority of Americans oppose such a move, the group moved to a less controversial position by supporting the Kennedy-Rodino gun-control bill, which is discussed briefly below. Shields views the anti-handgun movement as basically a marketing enterprise, and his organization admits to deliberately playing on the emotion that arises out of the tragedy of handgun murders.

Shields presents the usual arguments for stricter controls on handguns, such as comparisons of state, regional and local murder rates. Unfortunately, Shields fails to address the basic issue of whether or not handguns cause violent crime. He assumes that handguns cause violent crime, something which most criminologists conclude has yet to be clearly demonstrated. Shields also erroneously claims that the only purpose of handguns is to "kill people." This position clashes with the findings of a recently completed study funded by a \$287,000 grant from the National Institute of Justice, in which the researchers found that at least 5 million handguns were bought between 1968 and 1978 for sport and recreational purposes. They conclude that their evidence "contradicts the common claim that handguns have 'no legitimate sport or recreational use.'"

Finally, Shields asks for public support for Handgun Control Inc. and the Kennedy-Rodino gun-control bill. Briefly, the bill would:

- ¶ Ban the manufacture and sale of Saturday Night Specials;
  - ¶ Require a waiting period for a law enforcement check of handgun purchasers;
  - ¶ Establish mandatory jail sentences for possession of a handgun during the commission of a Federal felony;
  - ¶ Improve and extend the handgun-transfer recordkeeping system;
  - ¶ Encourage states to pass license-to-carry laws enforced by mandatory penalties;
  - ¶ Tighten requirements for handgun dealers; and,
  - ¶ Transfer Federal gun-control enforcement responsibilities from the Bureau of Alcohol, Tobacco and Firearms to the Justice Department.
- While readers looking for a balanced and sophisticated discussion of the gun-control issue will be disappointed, the book does provide interesting insights into the handgun-control movement and its political and public relations strategies.

—RAYMOND G. KESSLER  
Administration of Justice Dept.  
Rockhurst College  
Kansas City, Mo.

## Assessing the impact of high-speed police chases

Continued from Page 1

licenses after a single driving offense.

Connecticut already has a law that requires each local police department to establish pursuit-driving guidelines and provides a model.

But laws can't prevent all high-speed

police accidents, many officers point out. Bethel police department guidelines allow officers to chase someone believed to have committed a minor offense for a "reasonable amount" of time if the roads are dry. In New York, where New Rochelle officer Gary Pagano was killed

last month, a state statute governs high-speed chases and advises officers that their duty includes "due regard" for the safety of others.

Most departmental regulations instruct the officers to consider several factors before giving chase — including the

nature of the suspected offense, the weather and road conditions, the amount of traffic on the road, the danger to the community if the suspect is not captured and the possibility of apprehending the suspect in some other manner, perhaps through tracing the car's license number.

Other agencies require officers to report to the dispatcher that they are giving chase and to allow the dispatcher or officer on duty to decide when to call off the chase.

The St. Louis Police Department adopted a high-speed policy three years ago that discourages officers from chasing suspected traffic violators and other minor offenders, especially if the suspect can be identified. If the suspect has committed only a traffic violation, the sergeant can abort the chase.

The policy also mandates that no more than two cars give chase, and that the car closer to the vehicle being pursued use its siren and lights. It allows officers to chase suspects into nearby Illinois only if the suspect is wanted for a serious crime.

Despite the new policy, however, St. Louis police officers have been involved in at least 36 high-speed chases in the last three years, 29 of which ended in crashes and 20 in death or injury, according to a study done by the St. Louis Post-Dispatch.

That number has caused St. Louis residents to call for a ban on chases in minor offenses. Joyce Armstrong of the St. Louis branch of the American Civil Liberties Union said her group has taken no stand on the issue, but is worried about it.

"Our concern is endangering the lives of others around the chase. We feel there are other ways of capturing the person without endangering other's lives."

Armstrong said she thinks chases could be severely limited without hurting police work. "With the technology they have now, I am hard-pressed to come up with a circumstance under which it would be warranted," she said.

But Thomas Moran, director of planning for the St. Louis police, said the new departmental policy is designed to eliminate unnecessary chases and insure that the decision to pursue is based on sound reasoning.

"I've been in pursuits myself," Moran said. "You do have a different feeling. It's hard to let up on the gas... In some cases, you may need some guidance in deciding what to do. That's what the policy is supposed to do, give you that guidance."

In Detroit, where officers from as many as seven departments joined to chase the tow-truck driver, such chases are discouraged, according to Inspector James Jackson of the Detroit Police's planning unit.

Detroit's extensive pursuit-driving policy outlines several conditions to be considered before chasing a suspect, prohibits chases in private vehicles for minor violations, limits the number of cars involved in the chase to two and instructs the officer to inform the dispatcher of the chase.

The officer is to discontinue the chase when it becomes a "clear and present danger to the public."

"Our fairly extensive policy is geared around those things which could cause problems for our officers. We want to avoid any mistakes in judgment that could occur during a chase and reduce the danger to those involved," Jackson said. "It is a potential problem."

## Police administrators consider variety of options as Detroit turns out smaller, slower patrol cars

Continued from Page 1

engines and turned their attention to the efficient smaller cars.

The car companies dropped big engines altogether after the Federal Corporate Average Fuel Economy restrictions were enacted, requiring that car manufacturers' products must average 27.5 miles per gallon by 1985.

Since then, the average time required for cars tested by the Michigan center to accelerate from zero to 100 miles an hour has increased by 38 percent, according to Storer.

The average top speed has slowed from 121.8 miles an hour in 1978 to 115.8 this year.

"It has accentuated a problem that always has existed. There were always cars on the road that could outrun (police cars)," said Capt. Arliss Booth, transportation officer for the Iowa State Patrol. "There's always a few that will try to outrun us, but it's very few."

The reduced acceleration and top speeds present a danger because they mean officers in pursuit often travel much further, officials say. That means

an increased chance of injury or accident.

"The longer you run at high speed, the more danger there is to everyone else on the road," Storer said.

Law enforcement agencies around the country are dealing with the problem in a number of ways. Some have continued to buy standard police cruisers and are living with slower speeds.

Capt. Booth said the Iowa State Patrol recently purchased 154 1982 Plymouth Gran Fury Polica Specials, the fastest police special available this year. He said the cars have a top speed of just over 100 miles an hour when fully equipped.

"Yes, we've lost some speed," Booth said. "But speed alone will not get the job done for us." He said the patrol considered factors such as handling ability, size of the car, braking and resale value before choosing the Plymouths.

"These cars are equipped with radios, you know, and you have to remember that the radio and the car are equally important in apprehending a fleeing suspect."

But other departments, such as the Georgia and California state patrols,

have added sports cars to their line-ups in an effort to catch speeding suspects more easily.

In Georgia, the patrol added three Ford Mustangs and three Pontiac Trans Ams to the Ford LTDs most troopers drive. "It used to be Smokey chasing the bandit, but now Smokey's driving the bandit's car," said Patrol Officer Bill Wilson, referring to a Burt Reynolds moving featuring chase scenes.

California speeders will have to outrun Ford Mustangs to escape the state police from now on. The first of 400 new two-door, four-speed Mustangs were added to the patrol in early October.

"We're back in the business of giving our people equipment that'll get the job done," Curtright said. "We're very optimistic about it. It's going to take some readjustment of our driving habits, but I think the Mustangs are going to be a success."

Curtright said the Mustangs, which cost about \$7,000 each, can accelerate from zero to 60 miles an hour in about eight seconds — as opposed to 11 seconds for the Gran Fury model being used in Iowa. Their top speed is 130 miles an hour, he said.

The California patrol is using the cars in areas where high-speed chases are most likely, Curtright said — areas with high density of high-speed traffic, long, straight stretches of highway and on high altitude beats.

Storer said adding such cars to the traditional cruisers may become more popular as law enforcement agencies try to cope with the slower cars. "Other agencies are beginning to look at that type of deal," he said.

But several officials said the problem of slower cars will ease in a few years, as the old "big muscle" cars now on the highway wear out and consumers buy the smaller cars now being made to replace them.

"We're going to have to make do with lighter, smaller cars," Storer said. "But so is the public, eventually."

## CRIMINAL JUSTICE EDUCATION

### The End of the Beginning

by

Richard Pearson, Theodore K. Moran, James C. Berger, Kenneth C. Laudon, Janice R. McKenzie, Thomas J. Bonita III

*Criminal Justice Education: The End of the Beginning* is the result of a five-year study of criminal justice education in American colleges and universities. The authors — a faculty planning group at the John Jay College of Criminal Justice — based their findings and conclusions upon 250 questionnaire surveys among respondents in 37 states at 146 institutions, campus visits for interviews at 14 universities, and a content analysis of college catalogs. In addition, an advisory committee appointed by the Academy of Criminal Justice Sciences contributed guidance and suggestions on methodology and, based on a second questionnaire, confirmed and extended the findings of the authors.

The study examines a sector of postsecondary education that grew intensively during the late 1960's and 1970's when other sectors faced dwindling enrollments, limited budgets and marginal growth. During two decades, the authors found, an early emphasis on vocationalism in criminal justice education was replaced by academic programs developed in the humanities, the social and behavioral sciences, and professional subjects. They examine a professoriate that strongly emphasized practical experience but later developed traditional academic credentials. They describe new and distinctive ways that were developed to teach non traditional students, including mid-career police officers and other criminal justice practitioners.

The authors conclude that criminal justice education has, during only two decades, become an established, vital part of the educational curricula in America colleges and universities. They also attempt to define some of the current and future problems for educators, including the need for scholarship and research, the tension between general liberal arts studies and professional studies in law enforcement and criminal justice, vague educational objectives which need clarification, and the quality of criminal justice education.

*Criminal Justice Education* will be of interest to criminal justice educators at college and universities and to law enforcement executives and practitioners who are concerned with the development of their field. For educators generally, this book provides evidence that postsecondary education has not lost its capacity for innovation and growth.

ISBN: 0-89444-030-6

220 pages

\$5.50

To order, send check or money order for \$5.50 to: The John Jay Press, 444 West 56th Street, New York, New York 10019

## What's On Your Mind?

You can sound off on the critical criminal-justice issues of the day — in the pages of Law Enforcement News.

All letters, commentaries and analyses should be typewritten, and sent to the editor's attention. Address submissions to: Law Enforcement News, 444 W. 56th Street, New York, NY 10019. We reserve the right to edit all material.

## Supreme Court Briefs: Adding a new wrinkle to auto searches

Continued from Page 5

loaded .38-caliber revolver.

A conviction for possession of the loaded revolver was obtained. The Michigan Court of Appeals reversed the conviction based upon a finding that the warrantless search was a violation of the Fourth Amendment. The appellate court founded its decision on the fact that in this case the search was "unreasonable in scope" since it extended into air vents, which, the court said, are not a likely place for the storage of personal possessions.

The Supreme Court reversed the decision of the Michigan appellate court and remanded the case for further proceedings. The Court reasoned that the Michigan court's decision was inconsistent with announced Supreme Court rulings.

Citing *Chambers v. Maroney*, 399 U.S. 423 (1970) and *Texas v. White*, 423 U.S. 67 (1975), the Supreme Court stated that a search like the one performed in the present case is constitutionally permissible. The Court noted that the justification for a warrantless search does not end when the car has been immobilized.

In the final sentence of the unsigned opinion, there was the note that Justices Brennan and Marshall would have scheduled the case for oral argument before rendering a decision. (*Michigan v. Thomas*, No. 81-593, announced June 1982.)

### Transfer of Prisoners

In his capacity as Circuit Justice for the Ninth Circuit, Justice Rehnquist declined to second-guess the Attorney General of the United States and interfere with his discretion in transferring a person in the Federal witness protection program from one Federal facility to another.

The opportunity to issue an opinion as the Circuit Justice for the Ninth Circuit came on August 26, when an inmate confined in the Metropolitan Correctional Center in San Diego sought to prevent Federal authorities from transferring him to another U.S. correctional facility. The inmate, who applied to Justice Rehnquist to grant a stay to prevent the transfer, was a former member of the Nuestra Familia criminal organization. At the time the application was made, the inmate was in the witness protection program since Federal officials believed that his cooperation with them had created a personal risk.

Sometime in July, a decision was made to transfer the inmate out of the San

Diego facility and place him in a witness protection program at another Federal facility. Shortly after learning that he was to be transferred, the former crime-family member filed a complaint for declaratory relief and made an application for a temporary restraining order to prevent his transfer. The U.S. District Court for the Southern District of California granted the temporary restraining order and held three hearings on the matter. At the hearings, the inmate argued that under the terms of his plea-h bargain agreement, he had to be held in the San Diego facility. The inmate also contended that by moving him to another facility there would be an enormous increase in the danger to him, since he would have to be transported to and from the new facility every time he was to testify.

On July 30, the District Court refused to grant a preliminary injunction to prevent the inmate's transfer. That court found that the inmate "had not demonstrated the requisite irreparable injury" necessary to form a basis for issuing an injunction. That same day the Court of Appeals for the Ninth Circuit issued a stay. On August 24, after having reviewed the case, the Court of Appeals set aside its stay.

The inmate then made an application to Justice Rehnquist for an emergency stay. In support of his application the inmate stated that he would be killed if he were moved to another facility. Justice Rehnquist denied the application for an emergency stay of the transfer. In reaching his decision Justice Rehnquist noted that the inmate is a participant of the witness protection program precisely because there is a risk that he may be attacked. However, the Justice pointed out that there is nothing to indicate that the protection which the inmate would receive in the program at the new facility would be inferior to the protection he was receiving at the San Diego facility.

Noting that the Attorney General is empowered under 18 U.S.C. §4082(b) to transfer a person in the inmate's situation to another facility, Justice Rehnquist denied the application for a stay of the transfer. He explained that in light of the lower court rulings and the fact that he did not see any evidence to support the inmate's contention that he would be harmed if transferred, he could only decide not to interfere with the statutory authority of the Attorney General. (*Beltran v. Smith*, No. A-208, announced August 26, 1982.)



## BURDEN'S BEAT

By ORDWAY P. BURDEN

### The great ESCAPE: brainstorming new ways to fund crime-prevention efforts

Funding crime prevention projects in these days of constricted governmental budgets is a problem for nearly every police agency. Some departments try to squeeze a dollar here and a dollar there out of already depleted line items in their budgets. Others look to gifts from corporations and individuals for crime-prevention funds.

In Oakland County, Mich., Sheriff Johannes F. Spreen has found another way. His department gets its crime prevention funds by having a volunteer citizens force work the concessions at professional football and soccer games in Pontiac's Silverdome. In the last couple of years, the volunteers have earned nearly \$35,000 (including almost \$16,000 at the 1982 Super Bowl) by selling programs, souvenirs, and "McGruff the Crime Dog" T-shirts and dolls at games of the Detroit Lions football team, the Detroit Express soccer club, and at special events in the Silverdome. In the course of a year, some 250 volunteers operate the concessions — 150 of them at every Lions' home game.

Some of the funds they have earned were used to purchase five 200-cc. Honda motorcycles for crime-prevention patrol. Other funds have been used to buy materials needed for the crime prevention program run by the Sheriff's Department, which goes under the name of ESCAPE (Enroll in the Sheriff's Crime and Accident Prevention Education program).

Sheriff Spreen is no newcomer to such creative financing. In 1968, when he was Detroit's police chief, he found himself with a tight budget at a time when he wanted to institute scooter patrols for crime prevention. As he explained at the National Sheriffs' Association conference last June, he hoped that the patrols would help police "better relate to people (who were) scarred and wary by the most devastating riot in American history in 1967." The program was called "Buck Up Your Police" and called for citizens to donate \$1 each; it brought in \$50,000.

ESCAPE is a three-part program designed to educate and involve citizens in law enforcement within the sheriff's jurisdiction — an urban area of 12 townships and 36 square miles near Detroit. In the first part of the program, the department invites school classes and adult community groups to visit its headquarters in Pontiac. The three-hour visit includes a slide show of the department's functions, a guided tour, and a question-and-answer period.

In ESCAPE's second phase, a team of deputies goes on the road to make presentations at schools and community gatherings on such topics as narcotics, bicycle safety and crime prevention. The team uses the National Crime Coalition's "McGruff the Crime Dog" (a deputy in a hound costume) and "Ruff and Reddie, the Crime Pups" to enliven its show.

The third stage of ESCAPE is an effort to bring more people, particularly the young, into active cooperation with the Sheriff's Department. "We hope to improve the quality of life in our communities by giving the citizens a chance to become involved and work with our deputies in preventing crime and accidents," Spreen said. One of the results of the educational effort has been the expansion of Oakland County's sheriff's posse — the oldest in Michigan. The posse, made up of citizen volunteers, now includes divisions for mounted auxiliaries, motorcycle patrolers, administrative aides, regular patrol-riding reserves, and volunteers for marine and aviation work. It also includes Police Explorers, who are over 18 years of age and who are permitted to patrol on motor scooters after extensive training.

"These are all volunteers who love their community and want to help prevent crime," Spreen said. "They are of all ages, young and old, male and female, large and small. They have the courage and the concern to thwart the criminal, the predator and the vandal." In most cases they work side-by-side with a deputy, thus augmenting the police presence in their community.

"I feel that 80 percent of the population never has an opportunity to interact with the police in a meaningful and constructive way," the sheriff said. "Police in the past have reserved almost all of their time in dealing with the perhaps 10 percent of the population who are criminals and troublemakers, while enjoying positive contacts and attitudes from only approximately 10 percent of the population who either know a police officer or who have had positive contact with one."

To reach the remaining 80 percent, Spreen continued, "We must educate and enlighten them with regard to our criminal justice system, the police and sheriff's roles, what their stake is in good law enforcement, and what they can do about it in a constructive liaison with law enforcement."

That's what ESCAPE aims to do. While putting flesh on the concept's bones, Sheriff Spreen has created a novel way of paying for this worthwhile task.

(Ordway P. Burden welcomes correspondence to his office at 651 Colonial Blvd., Westwood P.O., Washington Twp., NJ 07675.)

### MOVING?

Don't leave Law Enforcement News behind. Fill out and return the coupon below, along with your LEN mailing label (including account number), to: Law Enforcement News, Subscription Dept., 444 W. 56th St., NY 10019.

Name \_\_\_\_\_

New Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

## 'Cynical realist' essays on crime

Continued from Page 11

comprehensive treatment of the subject area. Rather, it should be considered in the context of being a catalyst for some very interesting discussions. Conrad's work examines a number of critical themes in American criminal justice in general and corrections in particular. His persistent message regarding the inappropriateness of expecting the criminal justice system to eliminate or significantly reduce the problem of crime is an important one. He urges:

"We must expect less of the criminal justice system; we must expect no more than the decent and efficient performance of its immediate duties. The second step is to expect more of our social institutions."

It seems essential that our social in-

stitutions, particularly our education, vocation, and mental health systems, interact meaningfully with criminal justice if any serious attempt is to be made to reduce crime. Prevention and diversion efforts would seem to be at least as important as correctional programs. Conrad's work, even with several loose-ends dangling, clearly demonstrates that justice is a multi-faceted process where social agencies must simultaneously work toward compatible goals in order to achieve any substantial improvement in the quality of American social and criminal justice.

—THOMAS MORE

Department of Political Science

—MICHAEL BRASWELL

Department of Criminal Justice

Eastern Tennessee State University

# JOBS

**Instructor/Assistant Professor Position.** Mansfield State College, in Mansfield, Pa., has a tenure-track vacancy in its criminal justice program. Responsibilities of the position include 24 semester hours and 6 preparations each year on a nine-month contract. Teaching responsibilities include the areas of law enforcement, probation and parole, and industrial security systems. Preparation includes both introductory and advanced offerings. Student advisement, service on campus committees and community projects are expected, as well as professional self-growth and development.

Preference will be given to candidates with a Ph.D. or ABD in criminal justice administration; those with a master's degree in criminal justice administration and field experience will be considered. Experienced field practitioners with teaching experience will be given priority consideration for this position.

The position offers a competitive salary and excellent fringe benefits. Appointment date is January 1983. Applications must be received before November 15, 1982.

To apply, send a letter of intent, graduate transcripts, resume, and three current letters of recommendation to: Laurance W. Miller, Chairman, Search Committee, South Hall 217, Mansfield State College, Mansfield, PA 16933.

**Police Officers.** Tampa, Fla. Immediate openings. Located minutes from the beaches of the Gulf of Mexico and within an easy drive of all major resort attractions, including Disney World, Tampa represents one of the finest environments available for professional growth and personal recreation. Currently seeking police officers between the ages of 21 and 30 years, who possess a high school diploma or equivalent, U.S. citizenship, and a valid Florida driver's license. A background investigation will be required. Base salary range of \$14,109 to \$19,000 annually and a comprehensive benefits package, including a 20-year retirement plan. Send inquiries to: Tampa Police Department, Personnel Section, 170 N. Tampa St., Tampa, FL 33602.

**Faculty Position.** Sul Ross State University, in Alpine, Tex., is seeking applications for a criminal justice teaching position at the instructor or assistant professor level. This is a tenure-track position with a nine-month contract.

Applicants should have a minimum of a master's

degree in criminal justice or a closely related field; doctorate preferred. Practical experience as well as teaching experience are preferred. Responsibilities include teaching undergraduate criminal justice courses (12 semester hours), committee assignments, student advisement and curriculum development.

Appointment is for the fall 1983 semester, with the possibility of 1983 summer employment. Salary is in conformity with existing faculty salary schedule, depending upon education and experience, as well as fringe benefits.

Send letter of application, resume, transcripts and three letters of reference to: John R. Hudgens, Chairman, Criminal Justice Department, P.O. Box C12, Sul Ross State University, Alpine, TX 79830. Deadline for applications is March 31, 1983. An affirmative action/equal opportunity employer.

**Police Chief.** The City of Champaign, Ill., (population 59,000) seeks an experienced professional to head a three-division department with 107 employees. The police chief reports directly to the city manager and is responsible for administration of the police department, including budget proposals, public relations and coordination of divisions.

Requirements include a bachelor's degree, with master's degree preferred, progressive police management experience and familiarity with modern management techniques. Salary range is \$38,000 to \$42,000, depending on qualifications; an excellent fringe-benefits package is also included.

Send resume in complete confidence to: Personnel Director, City of Champaign, 102 N. Neil, Champaign, IL 61820. Deadline for applications is November 30, 1982. An affirmative action/equal opportunity employer.

**Instructor/Assistant Professor.** Faculty position at College of Criminal Justice, Jacksonville State University, Jacksonville, Ala. Rank contingent on qualifications and teaching experience. Duties will include teaching non-laboratory forensic science courses in the following areas: criminalistics I and II, investigations I and II, homicide investigation, drugs of abuse, and general criminal justice. Master's degree and prior teaching experience required. In addition, applicants must have at least five years experience in supervising criminal investigations at the military or civilian level. Salary is very competitive, with excellent fringe benefits. Appointment date is September 1983. Closing date for applications is June 1983. Submit vita, official transcripts and three letters of recommendation to Dr. Tom Barker, Dean, College of Criminal Justice, Jacksonville State University, Jacksonville, AL 36265.

**Deputy Sheriff.** Harris County Sheriff's Department, Houston, Texas. Current salary is \$1,713 per month. New positions authorized to staff a new jail which opened in September and to Staff the Harris County Detention Center. Requirements: must be 21 years old; pass medical, physical agility and psychological examinations; and meet certain other minimum basic requirements. Employment applications and a complete list of eligibility requirements may be obtained from: Harris County Sheriff's Department, Personnel Division, 403 Caroline, Houston, TX 77002.

**Faculty Opening.** The University of Alabama invites applications for the tenure-track position of assistant professor in its Department of Criminal Justice. Responsibilities include undergraduate and graduate-level teaching; evidence of commitment to active research and publication; student advisement, and committee work within the university.

Qualifications include a Ph.D. in criminal justice, criminology or a related social science; interest in court system helpful but not essential; and evidence of commitment to teaching and research. The department hopes to hire a candidate to begin in January 1983; deadline for applications is October 31, 1982. Applications will be received until the position is filled. Salary for the position is \$17,800.

Send letter of application, resume, and three letters of

reference to: Prof. John Ortiz Smykla, Chairman, Faculty Search Committee, Department of Criminal Justice, The University of Alabama, Box 6365, University, AL 35486. An equal opportunity/affirmative action employer.

**Assistant Professor.** Search extended for tenure-track position in criminal justice department, teaching both undergraduate and graduate courses. Qualifications: Ph.D. in criminal justice or related field, with practitioner experience in criminal justice. Closing date: November 1, 1982. Starting date: January 1983. Send resume to: John J. Kennedy, Chairman, Department of Criminal Justice, Jersey City State College, 2039 Kennedy Blvd., Jersey City, NJ 07305.

**Chief of Police.** Glendale, Calif., a city of 144,273 residents, is seeking an experienced law enforcement executive to head a department of 260 employees (177 sworn) with \$11.5 million budget.

Requirements include 10 years of progressively responsible experience in a variety of police functions including management responsibilities, as well as a bachelor's degree in police, public or business administration or a related field.

Salary for the position has been set at \$55,400 (including seven percent PERS contribution), plus car and generous management benefits, including city-paid deferred compensation, physical fitness plan, executive leave, medical, dental and vision-care insurance, life insurance, LTD plan and annual physical.

To apply, contact: Personnel, City of Glendale, 613 E. Broadway, Room 100, Glendale, CA 91206-4392. Telephone (213) 956-2110. Filing period open.

**University Police.** The University of Maryland at Baltimore is offering a competitive salary and excellent benefits package for selected candidates who will provide uniform police patrol for a 34-acre downtown complex that includes a major medical center.

Candidates should possess either six months security experience, one year of college or a police commission, which is preferred. Position may operate on rotating shifts.

For complete application, or to send resume, write: University of Maryland at Baltimore, Office of Personnel, Employment Division, 660 West Redwood St., Baltimore, MD 21201. An affirmative action/equal opportunity employer.

**Certified Officers, Academy Candidates, Certified and Non-Certified Detention Officers.** The Broward County, Fla., Sheriff's Office is seeking to fill a variety of positions. Applicants must possess a high school diploma or G.E.D., a valid driver's license, birth certificate and present DD-214 if applicable.

Starting salary is commensurate with experience: academy recruit, \$12,804; certified deputy, \$18,016; non-certified detention officer, \$12,804; certified detention officer, \$16,353.

For further information, contact: Broward County Sheriff's Office, Personnel Division, 260 S.W. Fourth Avenue, Fort Lauderdale, FL 33315. Telephone: (305) 765-8900. An equal opportunity employer.



## Criminal Justice Center of John Jay College

### Seminars & Workshops for the Practitioner: 1982 - 1983

Seminar	Dates	Cost
Robbery Investigation	November 3-5	\$150
Child Abuse	November 29-30	\$125
Major Case Investigation	December 6-8	\$150
Stakeouts and Surveillance	December 16-17	\$125
Burglary Investigation	January 3-5	\$150
Managing an Investigative Unit	January 20-21	\$125
First Line Police Supervision	January 31-February 1	\$125
Managing Criminal Investigations	February 14-16	\$150
Hypnosis for the Investigator	March 2-3	\$125
Homicide Investigation	March 14-16	\$150
Sex Crime Investigation	March 28-30	\$150
Robbery Investigation	April 4-6	\$150
Burglary Investigation	April 18-20	\$150
Training the Trainer	May 2-3	\$125

444 West 56th Street, (212) 247-1600  
New York, NY 10019

## THINK YOUTH!



Our most valuable  
resource

# UPCOMING EVENTS

## NOVEMBER

**11-18. Annual Conference and Exhibit.** Presented by the International Association of Chiefs of Police. To be held in Atlanta, Ga. Fee: \$75. For further information, contact: Barbara Rathbun, Conference Coordinator, IACP, 13 Firstfield Rd., Gaithersburg, MD 20878. Telephone: (301) 948-0922, ext. 206.

**11-18. DWI Instructor Course.** Presented by The Institute of Police Traffic Management. To be held on the Campus of the University of North Florida. Fee: \$295. For further details, contact: University of North Florida, 4567 St. Johns Bluff Rd., South Jacksonville, FL 32216. Telephone: (904) 646-2722.

**15-16. Street Survival Seminar.** Presented by Calibre Press. To be held in Little Rock, Ark. Fee: \$150. For further details, contact: Calibre Press, 666 Dundee Road, Suite 1607, Northbrook, IL 60062. Telephone: (312) 498-5680.

**15-19. Police Driving Maneuvers and Accident Avoidance Course.** Presented by The Traffic Institute, Northwestern University and Eastern Illinois University. To be held in Nashville, TN. Fee: \$260. For further details, contact: The Traffic Institute, Northwestern Institute, 555 Clark Street, P.O. Box 1409, Evanston, IL 60204.

**15-19. Police Officer Survival Course.** Presented by The Traffic Institute. To be held in Chicago, Ill. Fee: \$350. For further details, see: November 15-19.

**15-19. Internal Affairs Seminars.** Presented by The School of Justice Administration. Tuition: \$300. For further details, contact: Admissions Coordinator, Southern Police Institute, University of Louisville, Louisville, KY. Telephone: (502) 588-6561.

**15-19. Loss Prevention for Commerce and Industry Seminar.** Presented by The National Crime Prevention Institute. Tuition: \$300. For further details, contact: Admissions, National Crime Prevention Institute, Shelby Campus, University of Louisville, Louisville, KY 40292.

**20-21. Street Survival Seminar.** Presented by Calibre Press. Fee: \$50. To be held in Miami, Fla. For further details, see: November 15-16.

**22-23. Management of Assaultive Behavior Course.** Presented by The Criminal Justice Center of Modesto Junior College. For further information, contact: Yosemite Community College District, P.O. Box 4065, Modesto, CA 95352.

**22-24. Police Alcohol Training Course.** Presented by The Georgia Police Academy. For additional information, contact: Ms. Tobie Oliver, Registrar, Georgia Police Academy, P.O. Box 1456, Atlanta, GA 30371. Telephone: (404) 666-6105.

**24. Suicide Seminar.** Presented by The Massachusetts Criminal Justice Training Council. For further details, contact: Commonwealth of Massachusetts, Massachusetts Criminal Justice Training Council, 1 Ashburton Place, Boston, MA 02108.

**28-December 4. Certified Security Trainer Evaluation Program.** Presented by The Academy of Security Educators and Trainers. To be held in Winchester, Va. Tuition: \$1,400. Tuition includes: original application fee, all lodging, meals, training materials, books, examinations, reception and banquet. For further information, contact: Dr. Richard W. Kobetz, North Mountain Pines Training Center, Route Two - Box 342, Winchester, VA 22601. Telephone: (703) 662-7288.

**29-30. Child Abuse Seminar.** Presented by The Criminal Justice Center of John Jay College of Criminal Justice. Fee: \$125. For further details, please call: (212) 247-1600.

**29-December 3. Crime Scene Technician Course.** Presented by The Georgia Police Academy. For further details, contact: Ms. Tobie Oliver, Registrar, Georgia Police Academy, P.O. Box 1456, Atlanta, GA 30371. Telephone: (404) 666-6105.

**29-December 3. Police Shotgun Training Course.** Presented by Smith & Wesson Academy. To be held in Springfield, Mass. Tuition: \$450, including all ammunition expended during the course. For further details, contact: Smith & Wesson Academy, 2100 Roosevelt Avenue, Springfield, MA 01101.

**29-December 10. Advanced Traffic Accident Investigation Course.** Presented by The Institute of Police Traffic Management. Fee: \$395. For further details, see: November 14-18.

**30-December 1. Media Relations for Executives and Intermediate Management Seminar.** Presented by The Washington Crime News Services. Fee: \$225. To be held in Phoenix, Ariz. For further details, contact: WCNS Training Institute, Susan M. O'Connell, Marketing Director, 10905 Paynes Church Drive, Fairfax, VA 22032. Phone: (703) 385-5874.

## DECEMBER

**1-3. Police Internal Affairs Seminar.** Presented by The Institute of Police Traffic Management. Fee: \$225. For further details, see: November 14-18.

**1-3. Police Management: Inspection and Control Workshop.** Presented by The Southwestern Law Enforcement Institute. Tuition: \$150. For further details, contact: Donald T. Shanshan, Director, Southwestern Law Enforcement Institute, P.O. Box 707, Richardson, TX 75080. Telephone: (214) 690-2394.

**2. Leadership & Management Styles Seminar.** Presented by The Massachusetts Criminal Justice Training Council. For further details, see: November 2-4.

**4-5. Street Survival Seminar.** Presented by Calibre Press. To be held in Norman, Okla. Fee: \$50. For further details, see: November 15-16.

**6-8. Major Case Investigation Seminar.** Presented by The Criminal Justice Center of John Jay College. Fee: \$150. For further details, please call: (212) 247-1600.

**6-9. Concepts and Investigation of White-Collar Crime Seminar.** Presented by The Northern Virginia Community College. For further information, contact: Administration of Justice Program, Annandale Campus. Telephone: (703) 323-3260 or 3255.

**6-10. Analytical Investigation Methods Course.** Sponsored by FLETC, Organized Crime Institute. To be held in Orlando, Fla. Fee: \$395. For further details, contact: ANACAPA Sciences, Inc., Law Enforcement Programs, Drawer Q, Santa Barbara, CA 93102.

**6-10. Arson Investigation Seminar.** Presented by The Traffic Institute. To be held in Chicago, Ill. Fee: \$350. For further details, see: November 15-19.

**6-10. Scientific Investigation of Crime Seminar.** Presented by The School of Justice Administration. Tuition: \$300. For further details, contact: Admissions Coordinator, Southern Police Institute, University of Louisville, Louisville, KY 40292. Telephone: (502) 588-6561.

**6-10. Introduction to Juvenile Institutions Phase II Course.** Presented by The Criminal Justice Training Center of Modesto Junior College. For further information, contact: Jack McArthur, Director, 2201 Blue Gum Avenue, P.O. Box 4065, Modesto, CA 95352. Phone: (209) 526-2000.

**6-10. Executive Development (Base) Seminar.** Presented by The Florida In-

stitute for Law Enforcement. Fee: \$125. For further details, contact: Roger J. Zimmerman, Director, Florida Institute for Law Enforcement, St. Petersburg Junior College, P.O. Box 13489, St. Petersburg, FL 33733. Telephone: (813) 546-0021 ext. 3322.

**7-9. Hostage Negotiation - Tactics and Alternatives Seminar.** Presented by Washington Crime News Services. To be held in Phoenix, Ariz. Fee: \$315. For further details, see: November 30 - December 1.

**9-10. Interviewing/Interrogating Seminar.** Presented by Charles Yeschke Associates. Fee: \$80. To be held in Bloomington, Minn. For further details, contact: Charles Yeschke Associates, 5200 W. 73rd Street, Minneapolis, MN 55435. Telephone: (612) 831-2606.

**13-15. Hostage Negotiations Seminar.** Presented by The Florida Institute for Law Enforcement. Fee: \$125. For further details, see: December 6-10.

**13-17. Photography for Criminal Investigations Course.** Presented by The Georgia Police Academy. For further details, see: November 29-December 3.

**13-17. Police Supervision Seminar.** Presented by The School of Justice Administration. Tuition: \$300. For further details, see: December 6-10.

**13-17. Police Driving Maneuvers & Accident Avoidance Course.** Presented by The Traffic Institute and Eastern Illinois University. Fee: \$260. To be held in Las Vegas, Nev. For further details, see: November 15-19.

**13-17. Sex Crimes Course.** Presented by The Georgia Police Academy. For further details, see: November 29-December 3.

**14-16. ICAP (Crime Analysis).** Presented by Washington Crime News Services. Fee: \$315. For further details, see: December 7-8.

**15-16. Street Survival Seminar.** Presented by Calibre Press. To be held in Eugene, Ore. Fee: \$50. For further details, see: November 15-16.

**15-17. Local Government Problems Course.** Presented by The Southwestern Legal Foundation. For further details, contact: The Southwestern Legal Foundation, P.O.

Box 707, Richardson, TX. Phone: (214) 690-2377.

**16-17. Stakeouts and Surveillance Seminar.** Presented by The Criminal Justice Center of John Jay College. Fee: \$125. For further details, please call: (212) 247-1600.

## JANUARY

**3-5. Burglary Investigations Seminar.** Presented by The Criminal Justice Center of John Jay College. Fee: \$150. For further details, call: (212) 247-1600.

**3-7. Basic Skills for Youth Service Workers Seminar.** Presented by The Massachusetts Criminal Justice Training Council. For further details, see: November 24.

**10-21. Crime Prevention Technology and Programming Seminar.** Presented by The National Crime Prevention Institute. Tuition: \$500. For further details, see: November 15-19.

**10-21. Homicide Investigation Course.** Presented by The Southern Police Institute. Fee: \$500. For further details, contact: Admissions Coordinator, Southern Police Institute, University of Louisville, Louisville, KY 40292. Telephone: (502) 588-6561.

**17-21. Analytical Investigation Methods.** Presented by ANACAPA Sciences, Inc. To be held in Las Vegas. Fee: \$395. For further information, see: December 6-10.

**17-21. Sex Crimes Investigation Course.** Presented by The Traffic Institute. To be held in Chicago, Ill. For further details, see: November 15-19.

**17-February 11. Police Traffic Management Course.** Presented by The Institute of Police Traffic Management. Fee: \$695. For further details, see: November 14-18.

**18-19. Street Survival Seminar.** Presented by Calibre Press. To be held in Ft. Lauderdale, Fla. For further details, see: November 15-16.

**18-19. Fuel Efficient Driving Instructor Course.** Presented by The Institute of Police Traffic Management. Fee: \$150. For further details, see: November 14-18.

**20-21. Managing an Investigative Unit Seminar.** Presented by The Criminal Justice Center of John Jay College of Criminal Justice. Fee: \$125. For further details, please call: (212) 247-1600.

**23-24. Street Survival Seminar.** Presented by Calibre Press. To be held in Los Angeles, Calif. For further details, see: November 15-16.

**24-25. Police Response to Burglary Seminar.** Presented by The Pennsylvania

State University. For further information, contact: Joan Grant at (814) 865-9173.

**24-28. Juvenile Probation Institutions Supervisor Phase II Course.** Presented by The Criminal Justice Training Center of Modesto Junior College. For further details, see: December 6-10.

**24-28. Basic Crime Scene Investigation Seminar.** Presented by The Florida Institute for Law Enforcement. Fee: \$125. For further details, see: December 6-10.

**24-February 4. Police Executive Development Course.** Presented by The Southern Police Institute. Tuition: \$500. For further details, see: January 10-21.

**24-February 11. Criminal Intelligence Analysis Course.** Presented by ANACAPA Sciences, Inc. To be held in Santa Barbara, Calif. Fee: \$695. For further details, see: December 6-10.

**31-February 1. First Line Police Supervision Seminar.** Presented by The Criminal Justice Center of John Jay College. Fee: \$125. For further details, call: (212) 247-1600.

## Look no further than LEN. . .

. . . if you're looking to reach the best and brightest audience for your seminar, workshop or conference.

With each issue, LEN brings its readers dozens of listings of forthcoming events, linking professional training programs with a professional readership. To reach this audience for your event, send the particulars to: Evelyn Otero, Upcoming Events, LEN, 444 W. 56th St., NY 10019.

## Skating around in circles?

Is your career really rolling along or has the growing criminal justice information gap stopped your progress?

Law Enforcement News can put you on the right professional track. Every two weeks, LEN brings you the latest information on where choice career opportunities lie. . . who's in and who's out. . . what's working and what's not. . . the why's and wherefore's of getting ahead in the police world.

So stop spinning your wheels and subscribe today to **Law Enforcement News** — the number one newspaper for the professional who needs to know more. . .

Yes, I'm ready to roll with **Law Enforcement News**. Please enter my subscrip-

tion for

one year (\$14.00)	one year foreign (\$19.00)
two years (\$26.00)	three years (\$38.00)

Name

Title  Agency

Address

City  State  Zip

Return with check or money order to: LEN, 444 West 56th Street, New York City, NY 10019



# LAW ENFORCEMENT NEWS

October 25, 1982

## Hell on wheels

The growing concern about high-speed chases. On 1.



### Also in this issue:

Vested interest: After two cops are shot, one fatally, DC officers press their demand for body armor	1	The CJ Monitor: Court decisions in the area of prison law	6
NewsBriefs	2	Good neighbor policy: A village in Illinois rises to the occasion in dispute over officer's death benefits	7
The eye of a storm: LAPD gives its recruits hands-on training in crisis intervention	3	LEN interview: Rep. William Hughes, chairman of the House Subcommittee on Crime	8
Atlanta PD takes steps to slow down a mass exodus of experienced officers for better jobs	3	Criminal Justice Library	11
People & Places	4	Burden's Beat	13
Supreme Court Briefs	5	Job Openings	14
		Upcoming Events	15

John Jay College of Criminal Justice/CUNY  
Law Enforcement News  
444 West 56th Street  
New York, New York 10019

NON-PROFIT ORG.  
U.S. POSTAGE  
PAID  
New York, N.Y.  
Permit No. 1302